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ABSTRACT

Updating the Administration for Children, Youth and Families' 1978 "Comparative Licensing Study," a study was conducted to provide a common framework for assessing state activities in critical child care licensing areas and to record the status of child care licensing as of March 1981 in the 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The updated, six-volume comparative licensing study improves the format of the original (e.g., gives greater prominence to group size and infant care) and contains detailed information on state laws and regulations dealing with family child care homes, group child care homes, and day care centers. The format consists of the following categories: (1) state licensing of child day care facilities; (2) licensing process and enforcement procedures; (3) administration; (4) group compositions of children; (5) staff qualifications and training requirements; (6) program of activities, including education; (7) health and safety; (8) nutrition and food services; (9) social services; (10) parent participation; (11) infants and toddlers; (12) children with handicapping conditions; (13) school age children; (14) facility requirements; and (15) other state requirements - compliance with other local, state, and regional laws and regulations. Volume 5 profiles requirements of family day care homes in nearly all 50 states, the territories, and the District. In some profiles, some categories are not detailed. (RH)

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* from the original document. *

COMPARATIVE LICENSING STUDY

Profiles of State Day Care Licensing Requirements

FAMILY DAY CARE HOMES

Revised Edition 1981

Volume 5 Alabama - Wyoming

produced for

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Government Project Officer
The Office of Program Development
Office of Developmental Services
Administration for Children, Youth and Families
Office of Human Development Services
U.S. Department of Health and Human Services

by

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Washington, D.C. 20016

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Except where otherwise noted, all citations are from the Alabama Department of Pensions and Security, Minimum Standards for Day Care Homes and Night-Time Homes, September, 1978.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

See DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

Family day care home licensure is a county administered function. The state central office has no jurisdiction over the county welfare departments in this function but provides technical assistance to county staff.

See also DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE221. Application and Issuance

III Regulations for Day Care Homes and Night-time Homes.

A Day Care Home which is operational for more than four consecutive hours during a 24-hour period shall be subject to licensure.

References shall be contacted by the Department's representative to verify the character and suitability of the operator and the family members who care for children.

IV Licensing Procedure - Application for a License.

An application form for a license to give Day Care Night-time Care to children will be provided to the applicant by the Department.

Upon the receipt of all licensing material, including a medical statement, a decision to approve or to deny the application will be made by the Department based on the findings of the examination and investigation. If the decision is to license the home, a License will be issued to the applicant. The License becomes effective on the date it is issued by the Department and it must be appropriately displayed in the dwelling used for child care.

VII Provisions of the License.

Licenses issued by the Department for Day Care Homes are valid for two (2) years from the date of issuance, unless revoked by the Department.

Licensee may voluntarily surrender the license.

The number of children received in a Day Care Home shall not exceed the number specified on the license for any part of the day. (In homes where child care services are funded by the Department, further requirements must be met relating to the number and ages of children.)

A Day Care Home operating under a license, may publish advertisements of the services offered.

The license is non-transferable and is ineffective if the family moves to another dwelling.

222. Fee Charged

Not specified

223. Areas of Investigation

IV Licensing Procedure - Examination and Investigation of the Application.

Upon receipt of the completed application, an examination of the home and an investigation of the family members shall be made by a representative of the Department. The examination and investigation will include, but not limited to, visits to the home and interviews with family members, with references, and with such other persons so as to give the Department's representative a clear understanding of the home and the applicant.

224. License Renewal

IV Licensing Procedure - Renewal of a License.

Application for renewal of a license to continue operating a Day Care Home shall be made to the Department thirty days prior to the expiration date on the current license, and on forms prescribed by the Department.

A renewal of license shall be issued, if, upon re-examination, the Department is satisfied that the Day Care Home or the Night-time Home continues to meet and to maintain the prescribed standards.

225. Conditional/Provisional Licenses

IV Licensing Procedure - 6-Month Permit.

If specific areas of the minimum standards are identified as lacking in the basic services to children, and if the applicant for a license indicates her intentions to attain minimum standards, the Department may issue a 6-month permit to persons making initial application for a license to allow such persons reasonable time to become eligible for a full license. Issuance of a permit is evidence that the Department approves the person's temporary operation. One renewal of a 6-month permit may be issued at the discretion of the Department.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

VII Provisions of the License.

The Department shall have the right, and its authorized representatives shall be afforded reasonable opportunity to inspect (a) any child care facility seeking a license, (b) any child care facility seeking a renewal of a license, and (c) any child care facility which is operating under a license or a 6-month permit. Such inspections shall be made at any reasonable time, without prior notice.

232. Denial, Suspension, Revocation of a License

IV Licensing Procedure - Application for a License.

If denial of the application is indicated, the Department will notify the applicant, verbally and in writing, of the decision, pointing out and discussing those areas of the minimum standards which have not been met. The applicant may withdraw the application either verbally or in writing.

V Revocation of a License.

The Department may revoke or refuse to renew the license of the child care facility or refuse to issue a full license to the holder of a 6-month permit should the operator(s):

consistently fail to maintain standards prescribed and published by the Department;

violate the provisions of the license issued;

furnish or make any misleading or any false statements or reports to the Department;

refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the child care facility for licensing purposes;

provided, however, that the Department shall not revoke or refuse to renew a license in such case unless it has made written demand on the person, firm or corporation operating the facility requesting such report and such person, firm or corporation fails or refuses to submit such records for a period of ten days;

fail to refuse to submit to an investigation by the Department;

fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;

fail to provide, maintain, equip and keep in safe and sanitary condition the premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to such facility;

refuse to display its license or permit;

fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provisions for personal care, medical services, clothing, learning experiences and other essentials in the proper care, rearing and training of children; or

fail to adhere to all terms of the Day Care Home Agreement (found on the application).

If an inspection of a licensed or approved child care facility by the Department discloses any condition, deficiency, dereliction or abuse which is, or could be, hazardous to the health, the safety, or the physical, moral, or mental well-being of the children in the care of the child care facility being inspected the same shall at once be brought to the attention of the Department, and the Department shall have the power to revoke without notice the license or approval or six-month permit of such child-care facility.

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

VI Appeal for Fair Hearing and Review.

If the Department finds that a Day Care Home is operating without a license, the Department shall report the results of its investigation to the Attorney General for prosecution. The Department may delay making said report for a period of time, not to exceed sixty days, to allow the operator of the Day Care Home an opportunity to apply for a license or a 6-month permit to meet the standards for Day Care Homes.

VII Provisions of the License.

Any operator who violates any terms or provisions or any reasonable standard or regulation prescribed and published by the Department is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$1000 or be imprisoned in the county jail not longer than one year, or both such fine and imprisonment, as specified by the court.

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

B The Operator and Members of the Household.

The operator shall have substitute help approved, by the Department, on call in the event the operator has to be away from the home.

The operator shall supply information to the Department regarding the substitute help. The information shall be on file with the operator and shall include: name, address, telephone number, age, reference data and medical data. In the event the substitute help is not available in an emergency situation, an alternate helper may be used, but for no longer than eight consecutive hours. Information required on substitute help is not necessary on the alternate helper.

The operator shall not work outside the home during the hours of child care, and no other work, except household duties, shall be carried on in the home during the hours of child care.

C The Care of Children.

The operator shall not release a child to anyone not duly authorized by the parent or guardian in writing; and such person shall present proper identification.

IX Statement Of Responsibilities - Of the Day Care Home and Night-time Home.

To maintain the prescribed minimum standards and regulations.

To meet the daily needs of children in care.

To call upon and consult with the Department's representative as needed to benefit child caring duties.

To submit reports required by the Department.

To keep confidential all information concerning the children and their families.

To provide parents or guardians with a statement of rules, regulations, and policies of the home. This should include:

All agreements to be made with the operator pertaining to child-care practices, schedules, fees, etc.

Pertinent information needed about the child's general health, his customary routines, etc., and the needed clothing and other such items to be provided by the parent or guardian.

Transportation arrangements for the child to and from the home.

Information concerning whom to call in case of illness or an emergency.

Child's completed medical form being provided prior to enrollment.

312. Telephone

B The Operator and Members of the Household.

The operator shall have a telephone, if service is available.

The operator shall maintain a listing of names and telephone numbers posted by the telephone for ready reference in emergency situations. The listing shall include the name and number of each child's parent, each child's responsible relative and doctor; the police department, the fire department, hospital, social agency, and substitute helper.

313. Proof of Operator Financial Capabilities

B The Operator and Members of the Household.

There shall be financial resources adequate for the satisfactory care of children served in regard to upkeep of the home and the provisions for nutritious meals, adequate and safe recreational equipment, educational materials and required arrangements for comfortable rest and/or sleep.

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

C The Care of Children.

The operator shall keep and maintain individual records on each child in care. The Department shall prescribe such records pertaining to each child's name, date of birth, parent's name, whom to call in case of emergency or illness, physician's name and telephone number, child's admission date, progress, health, habits and discharge date. The operator will be provided with specified forms for monthly reporting purposes.

342. StaffSee 311. General Administrative Requirements343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

C The Care of Children.

Each child shall be observed for illness and/or injuries upon his arrival to the Day Care Home and if possible, shall be observed in the presence of the parent or guardian. The day care home operator shall report to the County Department of Pensions and Security any knowledge or suspicion of harm or threatened harm to a child's health or welfare through non-accidental physical or mental injury, sexual abuse, or attempted sexual abuse; negligent treatment or maltreatment of a child, including failure to provide adequate food, medical treatment, clothing or shelter. Such report shall be made immediately by telephone or direct oral communication followed by a written report.

345. Confidentiality of Records Requirements

C The Care of Children.

The operator shall not discuss or disclose personal information regarding children and facts learned about children and their relatives except (a) with the parents or the person or persons authorized by the parents to receive such information or (b) with the agency assisting the parents with planning for the child, or (c) with the Department.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

C The Care of Children.

The maximum number for whom a home is to be licensed shall not exceed six for any part of the day.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

Not specified

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

B The Operator and Members of the Household.

The operator shall be of the age of majority and shall be able to read and write.

522. Health

B The Operator and Members of the Household.

The health of the operator and of members of the household shall not be detrimental to the physical and mental well-being of the children in care.

The applicant/operator shall provide a statement from a licensed practicing medical doctor or a physician's assistant initially and every two years thereafter. The initial statement must be dated within 12 months prior to the home's being licensed and shall document the date and results of a VDRL test and a tuberculin skin test or chest x-ray. The statement shall attest to the physical suitability of the applicant/operator to care for children and the person's freedom from infectious and contagious diseases. The statement shall be signed by the licensed practicing medical doctor or the physician's assistant and shall be on file with the Department.

Subsequent to the initial statement and at least annually thereafter, each operator shall have a VDRL test and a tuberculin skin test or chest x-ray. Follow-up testing and/or treatment for persons with reading of 5mm or more shall be made at the discretion of the attending physician or area tuberculosis coordinator. Certification of results, from a licensed practicing medical doctor, health department or military clinic personnel, shall be provided to the Department.

A statement from a licensed practicing medical doctor or a physician's assistant shall be submitted initially and at least every two years thereafter on all members of the household who have contact with the children in care. Each statement shall indicate the person's physical condition and freedom from infectious and contagious diseases.

An operator who, upon examination or as a result of tests, shows indication of a physical, emotional, or mental condition which could be detrimental to the children in care or which would prevent satisfactory performance of duties shall not continue giving care to children until the condition is cleared to the satisfaction of the examining licensed practicing medical doctor.

523. Education

B The Operator and Members of the Household.

The operator shall have or shall obtain training in child development through workshops, professional reading, consultation, etc., to increase her knowledge of child development.

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See 523. Education

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

B The Operator and Members of the Household.

The operator shall devise a planned, yet flexible, program of activities to provide for the positive development of children in care. Children shall be allowed to participate in the normal family routine.

C The Care of Children.

Older children shall be given the opportunity to associate with peers in the neighborhood upon written consent from the children's parent or guardian.

612. Program Equipment and Materials

A The Home.

Play materials and equipment shall be available for both indoor and outdoor activity. The materials and equipment shall be safe, kept in good condition, and shall be suitable to the ages and dexterity of the children using them.

613. Nap Provision

A The Home.

The home shall have space for providing privacy to a child as needed, whether for resting, studying or other purposes.

The home shall have beds and cots available for those children who require rest and/or sleep during the hours while in care.

Children shall not sleep with adults.

All babies under 18 months of age shall sleep alone in a crib or play pen.

It is permissible for two children of the same sex to share a double bed.

The beds or cots shall be clean and sanitary at all times and shall be of such quality as to insure good sleeping posture.

Bedding shall be adequate and appropriate to the season.

Beds used by family members may be used for children in care provided that they are completely covered with clean linens before being used by the children.

614. Discipline and Guidance

C The Care of Children.

The operator shall not punish children by shaming them, putting them to bed, depriving them of food or using harsh toilet training methods on them. The operator shall not be permitted to inflict corporal punishment or verbal abuse on children. The operator shall not permit children to be punished by their peers.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

A The Home.

The home shall be in a clean condition.

712. Health Assessments

C The Care of Children.

Each child shall have, within 12 months prior to admission and annually thereafter, a physical examination or medical screening or assessment (such as EPSDT). The physical examination shall be performed by a licensed, practicing medical doctor or physician's assistant.

A medical screening or assessment shall be performed by a licensed, practicing medical doctor, other medical personnel who are administratively responsible to a licensed, practicing medical doctor, or a licensed Registered Nurse who has access to consultation on a regular, planned basis from a licensed, practicing medical doctor. Documentation of the availability and frequency of consultation must be in written form.

The medical record of examinations, dated and signed by the appropriate medical staff, shall be in the operator's file.

In situations where medical services are not available, written verification of appointment to receive needed examination shall be substituted temporarily, and shall be on file.

713. Immunizations

C The Care of Children.

Immunizations recommended by the health department shall be completed before admission or within one month following admission, depending on the child's age and the recommendations of the physician.

714. Sanitation

A The Home.

All windows and doors shall be screened against insects unless the home is air-conditioned.

715. Daily Illness Screening

See 344. Child Abuse Reporting

716. Care of Sick Children

A The Home.

Space and facilities shall be available for the temporary care of sick children or of members of the operator's family.

717. Medication and Special Diet Provisions

C The Care of Children.

The operator shall require parents or guardians to provide special diets, where prescribed or recommended by a physician, for children. Special food for the children shall be clearly marked.

Medication and/or special medical procedures shall be administered to a child by the operator only when there is a written, signed, and dated request from the parent(s) or guardian(s), including time of last previous dosage.

Medicines belonging to the children shall be properly labeled with the child's name, dosage schedule and date medicine was dispensed. Medicines and drugs shall be kept in locked cabinets, inaccessible to the children.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

A The Home.

The home and grounds shall be free from anything which constitutes a danger or hazard, such as: abandoned automobiles and household appliances,

uncovered wells and cisterns; stacked lumber with exposed nails; explosives. Safeguards shall be provided against potential hazards, such as carpentry machinery; guns, poisons and drugs; open fires, heaters, cooking ranges, floor furnaces and thermostatic controls.

A fence enclosing a play area shall be provided when there are hazards in the immediate neighborhood.

All exposed wall receptacles in rooms used for the care of children shall have protective covers installed.

722. Fire Safety Requirements

See 1510. ZONING

723. Transportation

Not specified

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

B The Operator and Members of the Household.

In the event of power failure or other emergency situations, the operator shall have a flashlight in working condition in a convenient location.

C The Care of Children.

A statement, signed by the child's parent, authorizing emergency medical care during the hours of care, shall be in the operator's file. (This is to be used if the parent or other responsible person cannot be located.)

727. First Aid Supplies

C The Care of Children.

First Aid supplies shall be available for the treatment of minor cuts and abrasions and other minor injuries. Such supplies shall be stored out of the reach of children.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

C The Care of Children.

The operator shall provide a wholesome, hot meal each day for the children in care. Meals shall include such foods as meat or meat substitute, cooked and raw vegetables, milk, fruits, desserts, cereals and bread.

Mid-morning, mid-afternoon and bedtime "snacks," as appropriate, shall be made available and shall include such foods as: fruit, fruit juice, milk and cookies or crackers.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

A The Home.

The home shall have clean and appropriate facilities for the protection, storage and preparation of food.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

B The Operator and Members of the Household.

The operator shall work closely with the children's parents or guardians to assure continuity and consistency in the management and care of children.

C The Care of Children.

The operator shall require the parent or guardian to provide sufficient clothing to permit a change when necessary.

The operator shall require the parent or guardian to provide the child with sleepwear and toiletries for night-time hours.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Not specified

1420. LIGHTING, VENTILATION, AND TEMPERATURE

A The Home.

All rooms used for the care of children shall be well-lighted, adequately ventilated, and comfortably heated. All heaters shall be vented.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

A The Home.

The home shall be located in a neighborhood which meets local zoning ordinances.

Inspections by the state or local fire department and by the local health department shall be requested as determined necessary by the Department or by the operator.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Alaska regulates family day care homes with the same set of regulations as day care centers. See DAY CARE CENTERS.

Except where otherwise noted, all citations are from the Arkansas Department of Human Services, Minimum Licensing Requirements for Day Care Family Homes, September, 1978.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

I Licensing Authority and Definition.

A Day Care Family Home offers family-like care in the caregiver's own family residence for up to sixteen (16) children, as specified by the Adult/Child Ratio by Age.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE221. Application and Issuance

III Application and Administration.

The primary caregiver in the Day Care Family Home shall submit a completed and signed application to the Division on a form provided by the Division.

All caregiver(s), within the Day Care Family Home shall be named on the application form.

The caregiver(s) shall give the Division the names, addresses, and telephone numbers of three adult references who are not related to the caregiver(s). The references shall be able to provide reliable information concerning the caregiver's character, health, and ability to provide for the well-being of children.

IX Licensing Procedure.

An individual or group wishing to establish or to have a licensed child care facility may obtain an application for a license and related form from the local Arkansas Social Services office.

The applicant must submit to Arkansas Social Services a list of staff and their qualifications, and a description of the services which will be provided to children.

See also DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

IX Licensing Procedure.

The facility shall be inspected, approved, and a license issued by Arkansas Social Services. A licensee shall not accept more children than the maximum specified on the license. Arkansas Social Services shall have authority to visit and inspect the facility. Ordinarily, this shall be made after appropriate notice has been given to the Day Care Family Home provider.

See also DAY CARE CENTERS

224. License Renewal

IX Licensing Procedure.

The license shall be renewed one year from the date of issuance and each year thereafter. Licenses shall apply only to the facility's location at the time of licensing. The licensee shall notify Arkansas Social Services of a change of location or ownership at which time a new study will be made.

See also DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

II Personnel.

Back-up Assistance. The caregiver shall make a plan with a capable person or persons who would be able to care for the children in the event the caregiver(s) found it necessary to be absent from the home due to an emergency involving a child cared for, or due to a family emergency.

The name of the back-up person or persons and a description of the plan shall be provided to the licensing worker.

The caregiver(s) is responsible for the home's day-to-day operation and for meeting licensing requirements.

Health. Any adult(s) in addition to the caregiver(s) present in the Day Care Family Home on a regular basis shall have a current physician's statement to the effect that the adult is free from communicable disease, including a tuberculin test (either a skin test or an x-ray). This shall be renewed each year. Persons over 65 years of age shall renew the statement every six months.

A Day Care Family Home shall not have invalids or persons requiring special care because of age or disability unless there is another adult present who shall be responsible for that particular person's needs.

The caregiver(s) shall provide a clear statement regarding the presence of any other adults who remain in the home during any hours in which care is being given. Such persons shall not present a threat to the safety or welfare of the day care children.

III Application and Administration.

The caregiver shall be responsible for compliance with licensing requirements for operation of the Day Care Family Home.

The caregiver shall be responsible for the health, welfare and safety of the children in care.

The license shall be displayed at the Day Care Family Home.

The caregiver shall offer prudent supervision of all staff and others in the Day Care Family Home.

A copy of "Minimum Licensing Requirements for Day Care Family Homes" shall be available in the Day Care Family Home to parents, caregivers, and others upon request for review.

312. Telephone

IV Building, Grounds, and Equipment.

The Day Care Family Home shall have a working telephone if service is available.

VI Children's Health.

Emergency telephone numbers shall be near a telephone that is quickly available to the caregiver.

The following numbers shall be posted by the telephone:

Ambulance service or emergency medical service.

Police or sheriff's department.

Fire department.

Licensed physician available in an emergency.

The physicians named by the parents.

Home and business numbers of the parents.

Enrollment forms kept near the phone meet the requirements above.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

II Personnel.

The caregiver shall not be otherwise employed during the time she is responsible for children in the home. Additional employment, at other times, is allowable as long as it does not affect the quality of care given the children.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

III Application and Administration.

A child care information form signed by the parents and caregiver(s) shall have the following information:

Child's name, birthdate, home address, and telephone number.

Name and address of the parents and telephone numbers where the parents can be reached while a child is in care.

Statement that the child will be left with a staff member and released only to the parents or person named by the parents.

Hours the child will be in care.

The name, address, and telephone number of the child's physician.

Consent for emergency medical care.

Transportation permission, if any.

Permission to participate in water activities, if any.

Child's food needs such as special formulas, diabetic diet, or food allergies.

Notes of special problems (such as allergies to medication or sunburn sensitivity) or needs as indicated by the parents.

Pertinent past medical history on the child; and any change in health, including accidents or injuries which occur in the Day Care Family Home.

Pertinent social information.

Statement that the parents may ask for a conference with the caregiver(s).

An authorized record of immunizations as required by the Arkansas Department of Health.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

III Application and Administration.

Enrollment information shall be obtained for each child before admission and filed in the records of the Day Care Family Home.

344. Child Abuse Reporting

III Application and Administration.

The caregiver(s) shall notify the Child Care Specialist (Division Licensing Worker) or the Social Services Office or local police or sheriff's office when it appears that a child has been abused or neglected.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

II Personnel.

A Day Care Family Home may accept a maximum of sixteen (16) children provided all other licensing requirements are met.

The caregiver's own pre-school children shall be counted in the adult/child ratio by age.

All Day Care Family Homes licensed or relicensed after July 1, 1979 shall meet the following Adult/Child Ratio:

<u>Adults</u>	<u>Number of Children</u>	<u>Age of Children</u>
1	5-6	0-Up (From 5 or more families and no more than 3 children under 2 1/2 years.)
1	7	0-Up (No more than 2 children under 2 1/2 years.)
1	8	0-Up (No more than 1 child under 2 1/2 years.)

2 or more 9-14

0-Up (No more than 4 children under 2 1/2 years.) Health and Fire inspection mandatory for homes caring for eleven (11) or more children.

2 or more 15-16

0-Up (No more than 2 children under 2 1/2 years.) Health and Fire inspection mandatory for homes caring for eleven (11) or more children.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

Not specified

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

II Personnel.

The Family Home caregiver(s) shall be between the ages of 18-65 years. Persons between 16 and 21 or over 65 shall be considered on an individual basis by the Child Care Facility Review Board.

522. Health

II Personnel.

The caregiver shall have a current physician's statement to the effect that the caregiver is free from communicable disease and physically able to care for children, including a tuberculin test (either a skin test or an x-ray). This shall be renewed each year. Caregivers over 65 years of age shall renew their statement every six months.

523. Education

See 524. Experience

524. Experience

II Personnel.

The caregiver(s) shall demonstrate the ability to provide for the well-being of children in the following ways:

Shall not accept more child care responsibilities than emotional and physical stability allows.

Shall demonstrate the willingness to learn the needs of the individual children, and to respond to those needs in a nurturing manner.

Shall be able to read and write well enough to keep necessary records.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

II Personnel.

The caregiver(s) should attend at least one child care workshop/training session/course, etc., per year.

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

VIII Activities.

A planned daily routine shall be established in written form. Activities shall be suited to the ages, interests, and abilities of the children. Activities shall be flexible and promote the physical, emotional, and mental growth of each child. They shall include:

Regular eating times.

Children shall spend at least one hour per day outside, unless prevented by weather or special medical reasons.

Indoor periods for active and quiet activities and individual and group activities.

When trips are taken away from the home, the safety of the children shall be ensured. Written permission shall be secured from parents.

VIII Activities.

Activities shall meet the special needs of children in evening or night care.

612. Program Equipment and Materials

IV Building, Grounds, and Equipment.

There shall be sufficient equipment for the number and ages of children in the Day Care Family Home to meet their physical and developmental needs.

Children 18 months of age or older shall have a variety of toys, books, and creative materials which will be fun and stimulating for the children. This would include equipment for:

Large muscle activities (climbing, running, jumping),

Manipulative activities (things done with the hands).

There shall be sufficient outdoor equipment for the number and ages of children in care to meet their physical and developmental needs.

613. Nap Provision

VIII Activities.

Children in evening care shall be given a bed or cot with mattress or pad and a pillow. Children in all night care shall be given a bed with a mattress and pillow. Sleeping equipment shall suit the age and size of the child.

If linens become soiled, they shall be changed. Protective mattress covers shall be used.

Each child's bed or cot shall have a cover available.

Beds or cots shall be arranged at least two feet apart.

IV Building, Grounds, and Equipment.

Each child shall have his/her own clean place to sleep or rest.

Each child under eighteen (18) months of age shall have a separate well-constructed baby bed or play pen. The mattress or pad shall be kept clean, dry, and in good condition. It shall be waterproof. The baby bed mattress shall be large enough to prevent the child from getting caught between the mattress and the side of the bed. Sheets and covers shall be kept clean and dry. Play pens shall have foam pads at least 2" thick and covers that are removable and washable.

Each child eighteen (18) months of age or older shall have cots, beds, pallets or mats. Mats shall be at least one inch thick and covered with waterproof, washable material. If mats or pallets are used on floors, floors shall be clean, warm, dry, and draft free.

VIII Activities.

Activities shall be flexible and promote the physical, emotional, and mental growth of each child. They shall include a supervised nap or rest period on individual cots, pallets, mats, or beds for preschool and kindergarten children after the noon meal. The rest period should not be longer than two hours.

614. Discipline and Guidance

VIII Activities.

Use of positive discipline and guidance shall show that the caregiver understands each child's needs and shall promote self-discipline and good behavior.

Brief, supervised separation from the group may be used.

Children shall not be placed in a locked room.

Children shall not be shamed or spoken to abusively or with profanity. Children shall not be denied food, put to bed as discipline, or punished for poor toilet habits.

There shall be no harsh, cruel, or unusual discipline. Corporal punishment shall not be used without the written permission of the parents.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

V Fire, Health, and Safety.

Garbage shall be kept out of areas used by children and shall be properly contained. Trash shall be removed at least once a week.

The home shall be free of insects and rodents.

712. Health Assessments

Not specified

713. Immunizations

III Application and Administration.

All children shall have to have completed or be in the process of completing their immunizations as currently recommended by the Arkansas Department of Health in order to be admitted to the home.

An immunization record shall be kept on each child showing the exact date and type of immunization administered. It is important that authorized physician's statements or Health Department record cards be obtained by the parent(s) and recorded by the caregiver to determine the exact date and type of immunization. Sample record forms, available from Arkansas Social Services, may also be used.

Those children who, due to age, are not completely immunized on admission to the Day Care Family Home should receive their immunizations as scheduled. The caregiver shall maintain a roster of children who have not completed the minimum immunization requirements. The roster should indicate by individual name, the number of additional doses of each vaccine a child requires, and should be referred to periodically to ensure compliance.

714. Sanitation

IV Building, Grounds, and Equipment.

Diapers - Diapers shall be changed as necessary. Sanitary care of diapers shall be practiced.

V Fire, Sanitation, and Safety.

Waste supply, sewage disposal, and toilet facilities shall be safe and sanitary. The Health Department may be consulted for its recommendation.

VI Children's Health.

All pets who are in the Day Care Family Home or on the grounds shall receive vaccination as required by law. Proof of such vaccination shall be available to the Child Care Specialist (licensing worker). The number of animals in the Day Care Family Home shall not exceed a number which might be hazardous to the children. Any pet that constitutes a threat to the welfare and safety of the children shall be kept in a confined area to prevent any contact with the children. (Animals of vicious nature shall be chained or caged to prevent harming the children at the Day Care Family Home.)

Bathing facilities shall be available. Hot water shall be available. When bathtubs or showers are used, preschool children shall be closely watched. Fresh water shall be given each child, and tubs or showers cleaned after each use. Children shall be given fresh washcloths and towels. Privacy shall be ensured for school age children.

The Day Care Family Home shall require that each child in night care has night clothing and toothbrush marked with his or her name, or other means of identification.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

VI Children's Health.

The child who is obviously ill shall not enter the Day Care Family Home without medical approval.

Illness in the Day Care Family Home shall be handled to protect all children in care.

When a child is ill, the following procedures shall be observed:

The child shall rest on a bed, cot, or mat, and be separated from the other children.

The child's parents must be called immediately.

The child shall be given first-aid if needed.

The child must be closely watched until he or she leaves.

In case of critical illness or injury, and if the parents cannot be reached, the physician named by the parent shall be called. If necessary, the child shall be taken to the nearest emergency room.

717. Medication and Special Diet Provisions

VI Children's Health.

Medicines shall be given a child only with the written permission of the child's parent(s) or guardian.

Prescription medicine shall be in the original container and labeled with the child's name, a recent date, instructions, and the physician's name.

All non-prescription medicine (except aspirin or aspirin substitute) shall be labeled with the child's name and dated. All non-prescription medicine (including aspirin or aspirin substitute) can be given to the child only with written permission of the child's parent(s) or guardian.

VII Food Service and Nutrition.

Any unusual eating habits shall be discussed with the parents.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

V Fire, Sanitation, and Safety.

Building, grounds, equipment, and supplies shall be of safe construction and in good repair for the children.

Electrical outlets in rooms used by children shall be safe.

Dangerous equipment and/or objects shall be properly stored away from areas used by the children.

The play area shall be dry and free from sharp objects. Tanks, ponds, open wells, drainage ditches, sewage drain pipes, and dangerous machinery shall be fenced to keep children from getting to them.

Toys that use anything that explodes (such as caps) or that shoot things (such as darts or B-B's) are not allowed.

Toys shall contain no poisonous materials (such as lead paints or poisonous gases).

722. Fire Safety Requirements

V Fire, Sanitation, and Safety.

Mobile homes may not be used as Day Care Family Homes unless tied down and underpinned as recommended by the Defense Department Civil Preparedness Agency.

In case of fire, no matter how small, the first responsibility of the caregiver shall be to get the children to a safe place.

The caregiver(s) shall provide written fire escape plans.

Fire drills shall be held at least once every three months at different times of the day. A written report of this shall be supplied to the licensing worker as evidence of compliance.

The caregiver(s) shall protect children from fire hazards at all times. The local fire department shall be consulted when such hazards exist.

Heating devices and their nearby areas shall not be fire hazards.

Woodburning stoves, woodburning or gas logs, fireplaces, open flame space heaters, floor furnaces or other sources of heat must be guarded and/or vented when necessary for the protection of the children.

723. Transportation

VIII Activities.

When a Day Care Family Home provides transportation, children shall be protected.

Vehicles used for transporting children shall be in safe operating condition and in compliance with applicable State and local laws.

Drivers shall obey State and local driving laws.

Children shall be seated safely when the vehicle is in motion.

Children shall enter and leave a vehicle at the curb side in a protected parking area or driveway.

Caregivers shall have the parents sign and date a statement giving permission to transport their child.

724. Safety Requirements for Equipment

V Fire, Sanitation, and Safety.

The Day Care Family Home's building, grounds, and equipment shall be clean, kept in good repair, and maintained as needed to protect the health and safety of the children.

Dangerous equipment and/or objects shall be properly stored away from areas used by the children.

See also 721. General Safety Requirements

725. Water Activities (Including Swimming)

V. Fire, Sanitation, and Safety.

All local health and safety requirements shall be met before a swimming pool is given consideration for approval. For any Day Care Family Home seeking approval for a swimming pool, a request for such shall be presented to and approved by the Child Care Facility Review Board.

726. Emergency Procedures

VIII Activities.

When a Day Care Family Home offers evening or night care the caregiver(s) shall stay awake until all children are asleep and there shall be a plan for transporting the sleeping children to safety in case of fire or emergency.

See also 716. Care of Sick Children

727. First Aid Supplies

VI Children's Health.

First-aid materials are required and shall be kept out of reach of children or in a locked container. The minimum first-aid materials required are: adhesive band-aids (various sizes), scissors, sterile gauze squares, roll of gauze bandages (2" wide), adhesive tape, antiseptic for cuts and scratches, and a thermometer.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

VII Food Service and Nutrition.

A child in Day Care shall be provided a well-balanced meal consisting of 1/3 of the minimum daily requirements from the four basic food groups. Children shall be offered additional servings of food. Nutritious midmorning and midafternoon snacks shall be provided to all children present.

Children of any age shall be encouraged, but not forced, to eat. Good eating habits should be recognized and praised.

Nutritious midmorning and midafternoon snacks shall be served in a pleasant and enjoyable manner.

VIII Activities.

Children in evening and night care shall have a routine with the necessary equipment provided.

Evening meals shall be served; and for children spending the night, breakfast shall be served.

Drinking water shall be available to children during the night.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

VII Food Service and Nutrition.

All food and drink shall be safe and stored, prepared, distributed, and served under sanitary conditions. It is recommended that food be from sources approved by Federal, State or local authorities.

All food and drink shall be stored to prevent spoiling.

Individual drinking glasses or disposable cups shall be provided.

The caregiver must:

Provide a quiet time before meals so that the atmosphere can be relaxed at mealtime.

Meals shall be served in relaxed surroundings that help the children eat well.

The caregiver(s) should eat at the table with the children.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

III Application and Administration.

Parents shall be notified of significant events that affect the children.

Cases of serious, contagious disease shall be reported to the parents of all the children in care.

Any special problems shall be brought to the attention of the parents.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

VIII Activities.

Children under 18 months of age shall be cared for in an atmosphere that promotes their physical, mental, emotional, and social growth.

Infant shall have supervision at all times. Infants shall not be left alone indoors or out.

Each infant shall have his or her own sleeping arrangement.

Stimulation shall be given an infant in a variety of ways.

Infants shall be talked to, held, and played with by the caregiver.

Each infant shall be given some opportunity during the day, both morning and afternoon, to explore the area outside the crib or baby bed and to learn on his or her own.

Infants shall be taken outside for a time every day weather permitting.

An infant, when awake, may remain in the crib as long as he or she is content but never for periods longer than one hour.

Children shall be encouraged, not forced, when learning the use of the toilet.

1120. HEALTH AND SAFETY REQUIREMENTS

IV Building, Grounds, and Equipment.

Each child under eighteen (18) months of age shall have a separate well-constructed baby bed or play pen. The mattress or pad shall be kept clean, dry, and in good condition. It shall be waterproof. The baby bed mattress shall be large enough to prevent the child from getting caught between the mattress and the side of the bed. Sheets and covers shall be kept clean and dry. Play pens shall have foam pads at least 2" thick and covers that are removable and washable.

Each child eighteen (18) months of age or older shall have cots, beds, pallets or mats. Mats shall be at least one inch thick and covered with waterproof, washable material. If mats or pallets are used on floors, floors shall be clean, warm, dry, and draft free.

Infants up to 18 months of age shall have safe, soft, washable toys. Toys or materials used by younger children shall not be small enough to be swallowed.

VIII Activities.

An infant's soiled diapers shall be changed promptly and in a sanitary manner.

Persons caring for infants shall practice good health habits.

1130. INFANT NUTRITION

VII Food Service and Nutrition.

Most parents will bring the baby's formula for the day; however, some may give the caregiver instructions for preparing the formula.

Children shall not share the same bottle. A sanitary method of cleansing baby bottles shall be practiced. Bottles containing formula or milk shall be properly refrigerated.

The solid foods fed to an infant will be determined by his parent(s).

Feeding schedules for infants should be flexible and adapted to each infant's needs.

When an infant wants to feed himself or herself, the infant shall be encouraged to do so.

VIII Activities.

Infants under six months of age shall be held while being fed. Bottles shall not be propped. Infants six months of age or older shall be held if needed.

Infants no longer held for feeding shall either sit in low chairs at low tables or in infant seats with trays, or in high chairs with wide bases and safety straps.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

VIII Activities.

Children who need special care due to disabling or limiting conditions shall be given care recommended by qualified psychologists, physicians, parents, or other experts.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

VII Food Service and Nutrition.

School age children who are in the Day Care Family Home at the regular meal or snack time shall be served meals and snacks.

VIII Activities.

The school age child shall have a choice of indoor and outdoor activities.

A quiet time and a private place with appropriate equipment shall be provided for one-person activities, including resting or homework.

Permission of parents shall be on file for school age children to leave the Day Care Family Home.

School age children who leave the Day Care Family Home to participate in classes, clubs, or other activities shall have written permission from the parents naming the activity, time of leaving and returning and method of transportation to the activity.

Permission for regular activities such as scouting may be given for the entire school term.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

IV Building, Grounds, and Equipment.

There shall be at least 35 square feet of usable indoor space for each child in the home.

This area shall not include kitchen, bathrooms, hallways or closets.

Floor space is measured wall-to-wall from the inside walls of areas used for activity.

Floor space covered by furniture may be counted if children use the furniture.

There shall be an outdoor play area of at least 75 square feet per child for each child on the playground. The play area shall be fenced when needed for protection to the children. The play area shall be maintained in good order and free of potentially hazardous items at all times. All playground equipment shall be properly anchored. Children shall be supervised at all times when they are in the play area.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

V Fire, Sanitation, and Safety.

Light, heating, cooling, and ventilation of the home shall be adequate for safety and comfort.

A safe and accurate thermometer shall be hung in the Day Care Family Home at the child's level and room temperature shall be maintained at 68-72 degrees during winter months.

Stairways shall be well lighted. When the Day Care Family Home has more than one level, children shall be protected where needed from falls downstairs by the use of a gate with safety latch. Also, an adequate second exit shall be provided. A gate shall also be used where there is a possibility of a child going into any dangerous area. All windows shall be safe for children.

1430. EXITS

V Fire, Sanitation, and Safety.

The structure and use of the home shall let the children in and out quickly and safely in case of emergencies.

A Day Care Family Home with more than one level shall have second exits on all levels used by the children.

A Day Care Family Home shall have at least two exits to the outside located on different sides of the home.

Doors opening into a fenced yard shall be fixed so the children can open them easily from the inside.

Doors between rooms in the exit route shall not be locked while children are in the home.

Doors and pathways shall be clear of equipment that blocks the movement of children and caregiver(s).

1440. TOILETS AND LAVATORIES

IV Building, Grounds and Equipment.

Bathroom and toilet equipment shall be adequate to handle children's needs quickly and safely.

At least one commode and one wash basin shall be made available for the children's use. Potty seats may be used by the younger children (those under age 2 1/2), if kept sanitary.

A clean towel or paper towels shall be available to each child daily.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

III Application and Administration.

All applicable local health, fire and zoning regulations shall be met.

1520. FIRE

V Fire, Sanitation, and Safety.

A Fire Department inspection shall be mandatory for any Day Care Family Home caring for eleven (11) or more children.

1530. BUILDING

Not specified

1540. HEALTH

V Fire, Sanitation, and Safety.

The Day Care Family Home shall have an adequate supply of water that meets the standards for drinking water of the Arkansas Health Department. Whenever possible, the water supply shall be from a public drinking water system. Water shall always be available to the children.

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the California Administrative Code, Title 22, Division 6, Chapter 7, June, 1981.

100. STATE REGISTRATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO REGISTRATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

§86002 Definitions.

"Family Day Care" means regularly provided care, protection and supervision of children, in the caregiver's own home, for periods of less than 24 hours per day, while the parents or guardians are away.

112. Exclusions and Exemptions

§86004 License Exemptions.

Licensure or registration is required before Family Day Care is provided unless one of the following applies:

The children being cared for are related by blood or marriage to the caregiver.

The children being cared for are from only two families. If the caregiver's own children are being cared for, day care services can be provided to only one other family.

The home is accredited by a school district.

The care provided to children is part of a cooperative arrangement between parents for the care of their children by one or more of the parents, when no payment for the care is involved.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR REGISTRATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. REGISTRATION PROCESS AND ENFORCEMENT PROCEDURES

210. REGISTRATION PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. REGISTRATION PROCEDURE

221. Application and Issuance

\$86006 License or Registration.

Any person 18 years of age or over may apply for a license or registration regardless of age, sex, race, religion, color, political affiliation, national origin, handicaps, or marital status.

\$86008 Application for Initial License.

To apply for a license to operate a family day care home an applicant shall file a written application with the department or licensing agency, on forms provided or approved by the department.

The applicant shall provide all of the following information at the time of submission of the application:

Name, address, telephone number and confirmation that the applicant is over 18 years of age.

Age and number of children to whom care will be provided.

Name and age of every person residing in the home where care is to be provided.

A statement that the applicant will comply with all regulations and laws governing family day care homes.

\$86010 Registration.

Any person desiring to register to operate a Family Day Care Home for children shall file a written application with the department or licensing agency on forms provided or approved by the department.

The applicant shall provide all of the information required below at the time of submission of the application.

Name.

Age and sex.

Address.

Telephone number.

Age and number of children the registrant expects to care for.

Size of home.

Outdoor space available.

Records maintained on children in care.

Provisions for meals and snacks.

Fingerprint application.

A statement signed under penalty of perjury from the registrant and every other adult living at the same location, that he or she has never been convicted of a crime other than a minor traffic violation involving a fine of fifty dollars (\$50) or less.

A statement, signed under penalty of perjury from the registrant that fire safety, poison control, first aid procedures, disaster and emergency plans, and swimming pool safety are appropriate and in substantial conformity with the regulations in this regulation section.

Submission of all of the required information shall be considered completed registration, which shall be sufficient to permit continued operation of a Family Day Care Home.

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See 231. Facility Inspections

224. Certificate Renewal

\$86018 Term of an Initial or Renewal License.

The initial or renewal of a Family Day Care license shall expire three (3) years from the date of issuance.

A renewal application shall be filed, with the Department or Licensing Agency, thirty (30) days prior to the expiration date. Failure to make an application for renewal within the prescribed time limit shall result in expiration of the license.

The license shall be automatically renewed if the renewal application has been filed thirty (30) days prior to the expiration date.

§86020 Expiration of Registration.

The registration shall expire on December 31, 1982. The Department or licensing agency shall notify the registrant, in writing, of the approaching expiration date at least 60 days prior to the expiration.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

§86030 Site Visits.

No site visitations, or unannounced visits or spot checks shall be made except as provided in this section.

A site visit shall be required prior to the initial licensing of the applicant.

The Department or licensing agency shall make a site visitation on the basis of a complaint and a follow-up visit as provided in Health and Safety Code Section 1597.56.

In addition to any site visitation or spot check authorized under this section, the Department shall annually make unannounced visits on 10 percent of all family day care homes for children licensed under this chapter. The unannounced visits may be made at any time, including the time of a request for a renewal of a license.

The Department shall institute a system of random visits to 10 percent of the registered homes during the pilot registration program, with appropriate reporting on the extent to which the system is working satisfactorily, and shall develop procedures to be followed in the event of complaints about the home, including visits and follow-up visits.

232. Denial, Suspension, Revocation of a Certificate

§86016 Denial of an Initial License.

When the requirements for licensure are not met, the Department shall deny the application within 30 days after receipt of a completed application.

Immediately upon the denial of any application for a license, the department shall notify the applicant in writing. Within 15 days after the department mails the notice, the applicant may present his written petition for a hearing to the department. Upon receipt by the department of the petition in proper form, the petition shall be set for hearing.

§86022 Revocation or Suspension of a License or Registration.

The following are grounds for suspension or revocation:

Violation by the licensee of any of the provisions of Chapter 3.6 of the Health and Safety Code or of the rules and regulation promulgated under the act.

Aiding, abetting, or permitting the violation of any provision of Chapter 3.6 of the Health and Safety Code of the rules and regulations promulgated under the Act.

Conduct in the operation or maintenance of a community care facility which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.

The director may temporarily suspend any license or registration prior to any hearing when, in his opinion, such action is necessary to protect residents or clients of the facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The director shall notify the licensee or registrant of the temporary suspension and the effective date thereof and at the same time shall serve such provider with an accusation. Upon receipt of a notice of defense to the accusation by the licensee or registrant, the director shall within 15 days set the matter for hearing, and the hearing shall be held as soon as possible; it shall be requested that it be held within 30 days after receipt of such notice. The temporary suspension shall remain in effect until such time as the hearing is completed and the director has made a final determination on the merits. However, the temporary suspension shall be deemed vacated if the director fails to make a final determination of the merits within 30 days after the original hearing has been completed.

§86012 Criminal Record Clearance.

If the applicant or registrant is unable to provide the statements required by Health and Safety Code for registration or if such statements and/or the official criminal record reports disclose that the applicant, or any other person residing at or regularly in the home during the hours of care, has been convicted of any crime other than a minor traffic violation involving a fine of \$50 or less, the license may be denied, suspended or revoked. The facility may be ordered to cease and desist operation and the department may initiate other legal proceedings, or take other action as necessary including referral for criminal prosecution and/or civil proceedings.

§86014 Exceptions to Criminal Record Clearance Requirements.

If it is found that the applicant or registrant or any other person residing at or regularly in the home during the hours of care, has ever been convicted of a crime other than a minor traffic violation involving a fine of \$50 or less, the application for licensure shall be denied or the license shall be revoked, unless:

Such person has been granted a full and unconditional pardon for the offense, by the governor, or

After a review of the record, the Director determines that such a person is of such good character as to justify issuance of a license. Factors the Director may consider in justifying issuance of a license shall include, but are not limited to:

The nature of the offense committed.

Time elapsed since the offense was committed, and the number of offenses.

Circumstances surrounding the commission of the crime that would demonstrate the unlikelihood of repetition.

Activities since conviction, such as employment, education, or participation in therapy, that would indicate rehabilitation.

Character references.

A Certificate of Rehabilitation from a Superior Court.

233. Remedies and Sanctions

233.1 Hearings

See 232. Denial, Suspension, Revocation of a Certificate

See also DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review**\$86032 Operation Without a License or Registration.**

If the licensing agency has reason to believe that family day care is being provided without a license or registration, the licensing agency shall:

Conduct a site visit and:

Determine whether the home is operating without a license or registration.

Determine whether continued operation of the facility will be dangerous to the health and safety of the children in care.

Notify the unlicensed provider in writing of the requirements for such licensure or registration.

Issue a notice of operation in violation of law only if it is found and documented that continued operation of the facility will be dangerous to the health and safety of the children. Situations endangering the health and safety of the children shall include, but not be limited to:

Evidence of physical or mental abuse.

Children left unattended or left with a minor.

Clear evidence of unsanitary conditions.

Fire safety/fire hazards.

Unfenced or accessible pools or other bodies of water.

Hazardous physical plant.

In all other cases, a notice of operation in violation of law may be issued only if the unlicensed provider does not apply for a license or registration within (15) working days from date of notification.

See also DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

\$86006 License or Registration.

The license or registration shall be available in the facility upon request.

The license or registration shall not be transferred to other individuals or locations.

\$86028 Operation of a Family Day Care Home.

The licensee or registrant shall be present in the home at all times while children are in care, except when circumstances require his/her temporary absence. The licensee or registrant shall arrange for a substitute adult to care for the children during his/her absence. Temporary absences shall not exceed 20 percent of the hours that the facility is providing care.

312. Telephone

\$86028 Operation of a Family Day Care Home.

The home shall maintain telephone service.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

See 232. Denial, Suspension, Revocation of a Certificate

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination**§86034 Personal Rights.**

Each child receiving services from a family day care home shall have the right to be treated with dignity in his/her personal relationship with staff and other persons.

340. RECORDS REQUIREMENTS341. Children**§86028 Operation of a Family Day Care Home.**

An emergency information card shall be maintained for each child and shall include the child's full name, telephone number and location of a parent or other responsible adult to be contacted in an emergency, the name and telephone number of the child's physician and the parent's authorization for the licensee or registrant to consent to emergency medical care.

342. Staff

See 221. Application and Issuance

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981**\$86024 Staffing Ratio and Capacity.**

There shall be not less than one adult to each six children including the provider's own children and not more than two of the six children shall be infants.

Provider's children over the age of 12 years shall not be counted in determining capacity.

A family day care home shall have a maximum capacity of twelve (12) provided that staffing ratios are maintained.

412. Methods of Computing Staff/Child RatiosSee 411. Staff/Child Ratio as of March, 1981420. GROUP SIZE421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See 221. Application and Issuance

512. Health

Not specified

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 221. Application and Issuance

522. Health

Not specified

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Not specified

612. Program Equipment and Materials

§86028 Operation of a Family Day Care Home.

The home shall provide safe toys, play equipment and materials.

613. Nap Provision

Not specified

614. Discipline and Guidance

§86034 Personal Rights.

Each child receiving services from a family day care home shall have the right to not be subjected to physical or unusual punishment, humiliation, mental abuse, or punitive interference with daily functions of living, such as eating, sleeping or toileting.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

§86028 Operation of a Family Day Care Home.

The home shall be kept clean and orderly, with heating and ventilation for safety and comfort.

§86034 Personal Rights.

Each child receiving services from a family day care home shall have the right to receive safe, healthful, and comfortable accommodations, furnishing, and equipment.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

§86028 Operation of a Family Day Care Home.

When a child shows signs of illness he/she shall be separated from other children, and the nature of the illness determined. If it is a communicable disease he/she shall be separated from other children until the infectious stage is over.

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

§86028 Operation of a Family Day Care Home.

The home shall be free from defects or conditions which might endanger a child.

Where children less than five years old are in care, stairs shall be fenced or barricaded.

Poisons, detergents, cleaning compounds, medicines and other hazardous substances shall be stored where they are inaccessible to children.

Outdoor play areas shall be either fenced, or outdoor play shall be supervised by the licensee or caregiver.

Firearms, and other dangerous weapons shall be kept in locked cabinets during the hours care is provided.

722. Fire Safety Requirements

§86028 Operation of a Family Day Care Home.

Fireplaces and open-face heaters shall be screened to prevent access by children. The home shall contain a fire extinguisher or smoke detector device, or both, which meets standards established by the State Fire Marshal.

Gas heaters shall be properly vented and permanently installed.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

§86028 Operation of a Family Day Care Home.

All in-ground swimming pools shall have at least a five foot fence or covering inspected and approved by the licensing agency. Fencing shall be so constructed that it does not obscure the pool from view, cannot be easily climbed by children and is self-latching at the top of the gate. If a pool cover is used, it shall be strong enough to completely support the weight of an adult.

Bodies of water including but not limited to above ground pools which cannot be emptied after each use, fish ponds, sunken wading pools, spas, and hot tubs shall be made inaccessible when not in use, by fencing or covering. If a cover is used, it shall be strong enough to completely support the weight of an adult.

726. Emergency Procedures

§86028 Operation of a Family Day Care Home.

Each family day care home shall have a written disaster plan of action prepared on a form approved by the licensing agency. All children, age and

ability permitting, caregiver and assistant caregiver, and other members of the households shall be instructed in their duties under the disaster plan. As new children are enrolled, age and ability permitting, they shall be informed promptly of their duties as required in the plan.

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Not specified

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

\$86028 Operation of a Family Day Care Home.

If food is brought from the children's homes, the container shall be labeled with the child's name and properly stored or refrigerated.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Not specified

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§86028 Operation of a Family Day Care Home.

The home shall be kept clean and orderly, with heating and ventilation for safety and comfort.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

§86026 Fire Safety Clearance.

A fire safety clearance by the state fire marshal shall be required for any family day care home in which more than six children are to receive care at any one time including the providers' own children, and when nonambulatory children are in care.

Nonambulatory persons are defined as persons unable to leave a building unassisted under emergency conditions. It includes, but is not limited to, persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs, and profoundly or severely mentally retarded persons. It further defines a profoundly or severely retarded person as one who is unable or likely to be unable, to physically or mentally respond to an oral instruction relating to fire danger and unassisted take appropriate action relating to such danger. When there is doubt regarding the ambulatory status of a retarded child, the determination shall be made by the Director of Social Services, or his or her designated representative, in consultation with the Director of Developmental Services, or his or her designated representative.

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Colorado Department of Social Services, Minimum Rules and Regulations for Day Care Homes, February, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

A-7450.1 Definition.

Day care homes are defined by law as a type of family care home in which children are received for less than 24-hour care.

Day Care homes are also defined in the Department of Social Services staff manual at A-7402.1 As follows: A Day Care Home is a facility providing care and training for a child or children not related to the caretaker, for more than two full consecutive days on a regular weekly basis. A full day is seven or more hours.

A-7452 Rules and Regulations for Infant/Toddler Day Care Home.

An Infant/Toddler Day Care Home is a type of family care home in which only children who are between birth and two and one-half years old are received for less than 24-hour care.

112. Exclusions and Exemptions

A-7452 Rules and Regulations for Infant/Toddler Day Care Home.

If caretaker has children aged 2 1/2 years old to first grade, that family is not eligible for a license to operate an Infant/Toddler Day Care Home. The caretaker's own children or foster children shall be attending full-day school, excluding school vacations, and/or shall be less than 2 1/2 years old.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

The applicant shall demonstrate the ability to conduct simple business affairs so that the licensing authority may determine that the applicant is able to acquire the materials and equipment required for day care and to maintain records pertaining to the children served including records required by statute or regulations.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

A-7451-1 The Character, Suitability, and Qualifications of Day Care Parent.
There shall be no conviction of, admission to or substantial evidence of an act of child battering, child abuse, child molesting or child neglect by the applicant, licensee or any resident of the day care home.

The applicant's or licensee's own children shall not have been placed in foster care or a residential treatment facility under circumstances tending to show that the applicant or licensee is unable or unwilling to care for their children unless the primary reason for placement was the physical illness of the parent, mental retardation or physical handicap of the child or the relinquishment of an infant child for adoption.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

A-7451.3 Admission of Children.

When a child is first admitted to day care, a statement shall be obtained from a licensed physician describing that child's health, any chronic medical conditions that the day care home parent needs to be aware of, any special care that the child needs, and immunizations, if available. This statement shall be obtained not more than 90 days prior to or within 30 days after admission to day care and shall be renewed annually or more frequently if required by the physician. Medical statements shall be maintained on file at the day care home.

The day care parent shall obtain written authority to arrange for medical care in the event of an emergency.

A-7451.7 Required Records.

An admission record shall be completed for each child prior to or time of admission of the child. The admission record shall include: the date of enrollment; child's name, address and telephone number; name of each parent or guardian and place of employment if applicable; telephone number for parent or guardian and person to call in case of emergency in the absence of parent or guardian; person(s) who may call for the child; name of doctor and dentist of child; general social information about child; medical information about child. These completed forms shall be maintained in an accessible manner.

Each child's file shall also include an authorization form for medical care, sleeping arrangements and/or physical punishment if applicable, current medical statements, and records of all accidents or illness occurring during care.

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The complete file for each child cared for shall be retained by the day care parent for at least three years after the child leaves the day care home, shall be available without restriction to licensing agency and to the child's parents, but shall otherwise be treated as confidential. Retention of records for a longer period may be desirable where they reflect an accident, injury or other unusual circumstances.

342. Staff

A-7451-1 The Character, Suitability, and Qualifications of Day Care Parent.

The applicant or licensee and all members of the family thereof and others residing in the home where children will be cared for shall obtain a medical statement from a physician licensed to practice medicine in the State of Colorado verifying that each such person suffers from no illness or communicable disease which would adversely affect children in care. This examination shall have been performed during the six months preceding the original license granted to a home; subsequent statements shall be submitted annually or as required in a written plan signed by a physician. An original license shall not be granted prior to receipt of a satisfactory medical certification.

If, in the opinion of the examining physician, an emotional or a psychological condition exists which would impair the ability of an applicant or licensee to care for children, issuance of a license shall be conditioned on receipt of a satisfactory report of a mental health practitioner.

If, in the opinion of a physician or mental health practitioner, a medical, emotional, or psychological condition exists at any time which may jeopardize the health of children or adversely affect the ability of a licensee to care for children, a qualified substitute day care parent shall be employed, or child care services shall be suspended until the physician or mental health practitioner certifies that the health risk has been eliminated. Failure to secure a substitute or to suspend child care services on such a recommendation shall be grounds for the denial, revocation or making probationary a license.

343. Child Eligibility and Enrollment Requirements

A-7451.3 Admission of Children.

Arrangements for admission shall be made prior to the time the child is placed in care and shall include an opportunity for the child to become familiar with the day care home and its operation, and the day care parent in the company of the child's parent or guardian.

At the time of admission the day care parent shall obtain telephone numbers of the child's physician and numbers where the parent or guardian and at least one other responsible adult can normally be reached in the event of accident, illness or other emergency.

344. Child Abuse Reporting

A-7451.7 Required Records.

Licensees are required by statute to report cases of suspected child abuse. A licensee shall report to the local county department of social services or the police or sheriff's department any circumstances indicating that a child in care has been subjected to abuse.

345. Confidentiality of Records Requirements

A-7451.7 Required Records.

Children's reports and records shall be confidential and facts learned about children and their families shall be kept confidential. The license may be denied, revoked, or made probational if confidentiality of records or information is not maintained.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

A-7450.1 Definition.

The number and age of children for which a license may be issued is determined by the following factors:

Caretaker's children not
attending full day school.

Maximum number of day care
children permitted at any
one time.

6	0
5	1
4	2
3	3
2	4
1	5
0	6

Day care also may be provided to no more than two additional children of school age either before or after school hours, and on days during the regular school year when school is not in session, such as conference days and holidays, but not including ~~summer vacations~~ or off-track periods in year-round schools when the child does not attend classes. The number of such school aged children permitted to be cared for is as follows:

Caretaker's school age children under age 12	Additional school age day care children permitted <u>during non-school times</u>
0	2
1	1
2 or more	0

A-7452 Rules and Regulations for Infant/Toddler Day Care Home.

If there is one caretaker, the number and age of children, including the caretaker's own children between birth to 2 1/2 years old, shall conform to the following:

If two (2) children in care are between birth to one year old, two (2) additional children between one year and two and one-half years old may be cared for.

Licensed capacity: One caretaker including caretaker's children from birth to 2 1/2 years old

<u>Birth to 1 year old</u>	<u>One year to 2 1/2 years old</u>
2 children	2 children
1 child	3 children
0	4 children

If there are two caretakers caring for children at all times when children are present, there may be a maximum of six (6) children between birth and two and one-half years old and no more than three of those children shall be between birth and one year old.

An exception can be made in the case of the care of siblings such as twins, triplets, or close-aged siblings so that siblings need not be separated, but the total number of children shall not exceed four(4) children in an infant/toddler day care home with one caretaker and six children in an infant/toddler day care home with two caretakers. The licensing caseworker at the county department of social services or the Denver Department of Health and Hospitals must be notified when the infant and toddler home wishes to accept for care siblings for which the home will need an exception to the rule. The licensing caseworker must approve before the siblings may be accepted.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

A-7451-1 The Character, Suitability, and Qualifications of Day Care Parent.

Licenses shall not be granted to applicants who are less than 18 years of age on the date of application for such license, or who lack adequate physical stamina to care for children.

A-7452.2 The Character, Suitability and Qualifications of the Day Care Parent in an Infant/Toddler Home.

A license to operate an Infant/Toddler Day Care Home with one caretaker shall be granted to applicants who are 21 years of age on the date of application for such a license, and have adequate physical stamina to care for children.

512. Health

See 342. Staff

513. Education

A-7452.2 The Character, Suitability and Qualifications of the Day Care Parent in an Infant/Toddler Home.

Each caretaker/applicant shall have completed a minimum of forty clock hours of training, which includes the following subject matter: growth and development of children from birth to two years, infant stimulation, nutrition, child management, first aid and home safety, child abuse reporting and child care practices for children birth to two years. This training need not have been taken for college credit. No more than one provisional license may be issued to meet this requirement.

514. Experience

A-7452.2 The Character, Suitability and Qualifications of the Day Care Parent in an Infant/Toddler Home.

Each caretaker shall have parented a child(ren) through at least the first year of life or completed one year of supervised experience caring for children who are less than five years old. Such experience may have been obtained as a licensed day care home parent, in a college laboratory preschool, children's nursing experience, family foster home, day care center or preschool. Each applicant shall satisfy the Department that he/she has had the experience required.

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

Not specified

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

A-7451-4 Care of Children.

Arrangements shall be made for a substitute of at least 16 years of age to provide care and supervision of children in the absence of the day care parent for no more than four hours in one day. If a substitute is necessary for more than four hours, she/he must be no younger than 18 years old.

Prior to serving in that capacity, the substitute shall be given an opportunity to examine these rules and regulations and to become familiar with children in care and with the normal routines and practices of the day care home.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

A-7451-4 Care of Children.

Daily activity shall be provided which fosters normal physical, mental, social and emotional development of children. This requirement shall be met in the following manner:

Each child in care shall be provided with an opportunity for both group and individual play.

Children shall be encouraged to relate or to communicate with each other and with adults.

Outdoor activity shall be available to each child daily, weather permitting.

Television viewing shall not be permitted without the approval of a child's parent who shall be advised of the specific programs which children will be permitted to see. Normally, television viewing should not exceed one hour for each four hours for which children are in care, and should be limited to programs specifically designed for the interest and benefit of children.

612. Program Equipment and Materials

A-7451-4 Care of Children.

Daily activity shall be provided which fosters normal physical, mental, social and emotional development of children. Materials and equipment appropriate for the age of children in care and in good repair shall be available for both active and quiet play.

613. Nap Provision

A-7451-4 Care of Children.

A daily rest period taken on a bed, sofa, cot or suitable floor pad not less than two inches in thickness with clean, washable cover shall be provided to preschool children and older children as required on an individual basis.

A-7451-5 Care Provided During Nighttime Hours.

Each child in the home, including natural or adoptive children as well as children in care, shall be provided with a comfortable cot, or crib, or bed suitable for his age with two sheets and suitable warm covering. At least 40 square feet of floor space shall be available for each bed. Beds arranged in parallel shall be at least two feet apart.

Sheets shall be changed weekly or more frequently if needed, and no child shall be allowed to remain sleeping in a wet bed.

Each child shall be provided with adequate sleepwear and a complete set of clean sleepwear shall be available in the event that a change is necessary.

Sleeping rooms for children under eight years of age shall be on the same floor as the room of the day care parent or other responsible person.

If children in care over the age of four share sleeping rooms with persons of the opposite sex who are over age four, the parents or guardians of each child involved must give written approval.

614. Discipline and Guidance

A-7451.6 Discipline.

Discipline shall be constructive or educational in nature, including such methods as diversion, separation of child from problem situations, talking with the child about the situation, praise for appropriate behavior or gentle physical restraint, such as holding. Children shall not be subjected to physical harm, fear or humiliation. The techniques and standards of parents shall be considered in the disciplining of individual children.

No child shall be punched, shaken, pinched, roughly handled, or struck with any inanimate object by the day care parent or any person in the home.

No physical punishment of any type is authorized without written approval of the child's parents.

Authority to punish shall not be delegated to older children.

Separation, when used as discipline, shall be brief and appropriate for the child's age and circumstances; and the child shall be within hearing of an adult in a safe, lighted, well-ventilated room. No child shall be isolated in a locked room or closet.

No child shall be sent to bed as punishment.

No child shall be punished for lapses in toilet training.

No child shall be force fed.

Verbal abuse or derogatory remarks about the child, his family, or his race, religion, or cultural background shall not be used or permitted.

Meals or snacks may be postponed or provided individually, but deprivation of meals and snacks shall not be used as punishment.

Disregard of any of the foregoing disciplinary rules or any disciplinary measure resulting in physical injury or abuse to any child shall be grounds for the denial, revocation, or making probationary of the child care license.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

A-7451-2 Requirements for a Safe and Adequate Day Care Home.

The day care home and outdoor play area shall be maintained safe and free from hazards to health and safety.

712. Health Assessments

See 341. Children

713. Immunizations

See 341. Children

714. Sanitation

A-7451-2 Requirements for a Safe and Adequate Day Care Home.

Water from any source other than a regular municipal water supply shall be tested annually for compliance with water quality requirements.

All garbage, refuse and other wastes shall be kept in a suitable covered receptacle and disposed of in such a manner as not to constitute a health hazard or nuisance.

All floors shall have carpets, tile or smooth finish which may be easily cleaned. Interior walls shall be constructed of solid material and be free from holes.

All rooms shall be kept in a clean and sanitary condition and shall be free of any evidence of vermin or rodent infestation.

A-7451-4 Care of Children.

Where pets or other animals are present, additional precautions shall be taken as required to ensure both safety and good hygiene. Dogs and cats shall be vaccinated against rabies. Children shall not be permitted to mistreat animals.

A-7451-5 Care Provided During Nighttime Hours.

Regular overnight care of children shall be permitted only when specifically noted on the license. The number of children authorized for such care may be fewer than the authorized number for day time care.

When a child is bathed, bath water shall be at a safe and comfortable temperature. Children under five years of age shall not be left unattended while being bathed.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

A-7451-4 Care of Children.

In the event of accident or illness the affected child shall be separated in the room or area provided for such purpose and made as comfortable as possible. First aid care shall be provided as required. If additional care, medical attention, or removal from the home is indicated, the child's parent or guardian shall be contacted by telephone, if possible, and medical assistance shall be obtained without delay. A written record of any illness or injury occurring during care shall be retained in each child's record with a copy provided to the parent or guardian.

717. Medication and Special Diet Provisions

A-7451-4 Care of Children.

Medication shall be given by the day care parent only with a current prescription or by authority of a physician; day care parents shall accept such medicines only in the original container bearing the original pharmacy label which shows the prescription number, name of medication, date filled, physician's name, child's name and directions for dosage. When no longer needed, medications shall be returned to parents or guardians or destroyed.

718. Waiver of Health Requirements

Not specified

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720. SAFETY721. General Safety Requirements

A-7451-2 Requirements for a Safe and Adequate Day Care Home.

The day care home and outdoor play area shall be maintained safe and free from hazards to health and safety.

Heating devices such as radiators, registers, fireplaces, furnaces, hot water heaters, and steam and hot water pipes within the reach of children shall be screened or otherwise protected.

All hazardous items and materials including matches, plastic bags, medicines, cleaning and laundry materials shall be stored out of the reach of children. Paints, fuels, insecticides or other hazardous chemicals and products shall be in a locked area remote from kitchens.

The presence of firearms and ammunition is strongly discouraged in any home in which children are cared for. Any weapons such as firearms, air-rifles, bows, hunting knives or hunting sling shots shall be unstrung and unloaded at all times when children are in the home and shall be stored in locked containers out of the reach of children. An unstrung bow need not be stored in a locked container. Ammunition and arrows shall be stored in separate locked containers. Weapons shall not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible.

All stairways shall be free from hazards, and those with more than four steps shall be equipped with bannisters or handrails within reach of children.

A business of a nature which might be hazardous to the health, safety, morals or welfare of children shall not be operated on the premises of the day care home.

A license shall be denied, suspended, revoked or made probationary for failure of an applicant or licensee to repair or otherwise comply with any of the foregoing requirements when a defect or non-compliance with such requirement has been noted by the licensing representative and brought to the attention of the licensee or applicant in writing.

722. Fire Safety Requirements

A-7451-2 Requirements for a Safe and Adequate Day Care Home.

Fire hazards, such as defective electrical appliances or electric cords, dangerous or defective heating equipment or flammable material stored in such a manner as to create a risk of fire, shall be corrected or eliminated.

The home shall contain at least one U.L. approved fire extinguisher, easily accessible and in working condition, for Class B and C fires, weighing not less than 2 1/2 pounds. This requirement may be waived where other more extensive fire control measures are available.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

A-7451-4 Care of Children.

A snack shall be available during the mid morning and mid afternoon hours. A noon meal shall also be provided. Children in care at these times shall be provided with the appropriate snack or meal. Special arrangements shall be made for feeding children who are in care before 6:00 a.m. or after 6:00 p.m. Food shall be wholesome and nutritious, well-prepared and served, and shall be designed to satisfy the individual child's taste and appetite. Each day, meals and snacks shall be balanced and shall include food from the four basic food groups in adequate quantity. Children shall not be given foods which are contrary to the religious beliefs of their parents or which are known to cause an allergic reaction or a health hazard. Pasteurized milk shall be used when milk is served.

A-7451-5 Care Provided During Nighttime Hours.

Nutritional needs of the child shall be considered, and wholesome food, including foods from the four basic food groups in adequate quantity, shall be used when meals or snacks are provided.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

A-7451-2 Requirements for a Safe and Adequate Day Care Home.

The home shall be equipped with refrigeration and provisions shall be made for the washing, rinsing, and storing of dishes in a safe and sanitary manner.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

A-7451-4 Care of Children.

Infants in care shall be held during bottle feedings and at other times during the day. Infants shall not be confined but shall be allowed freedom of movement insofar as practical and shall be provided with an environment designed to stimulate their senses.

When toilet training is conducted in the home it shall be carried out in a non-disciplinary manner after consultation with the child's parents.

1120. HEALTH AND SAFETY REQUIREMENTS

A-7451-4 Care of Children.

Diapers should be changed as required and used diapers cleaned or disposed of consistent with practices of good hygiene.

A-7452.3 Facilities and Care in an Infant and Toddler Home.

Outdoor play space, free from hazards, of not less than 75 square feet per child, shall be available for each child, and the area shall be fenced.

One room or area in the home, containing a crib or a playpen containing a 2 inch pad, shall be designated a sick room where a child may be separated from other children and cared for in the event of accident or illness.

At least 35 square feet of indoor space where children may play and be cared for, including the sleeping area but exclusive of halls, baths and kitchens, shall be provided each child.

There shall be no pets except those in a child-safe confinement, present in the area of care.

When a child is bathed, bath water shall be at a safe and comfortable temperature. Children shall not be left unattended while being bathed.

A daily rest period in a crib or a playpen with a 2 inch pad shall be provided.

The caretaker shall be on the same floor as children who are napping/sleeping in the Infant/Toddler home.

No physical punishment of any type of the infant or toddler shall be permitted.

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

A-7451-2 Requirements for a Safe and Adequate Day Care Home.

Outdoor play space free from hazards of not less than 75 square feet per child shall be available for each child. This area shall be fenced if care is given for children between 12 months and five years old.

One room or area in the home, containing a bed, cot or sofa, shall be designated a sick room where a child may be separated from other children and cared for in the event of accident or illness.

At least 35 square feet of indoor space where children may play and be cared for, exclusive of halls, baths, and sleeping areas, shall be provided for each child.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

A-7451-2 Requirements for a Safe and Adequate Day Care Home.

The home shall be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy.

1430. EXITS

A-7451-2 Requirements for a Safe and Adequate Day Care Home.

Exterior doors shall be maintained in such a manner as to permit easy exit; interior doors shall be designed to prevent children from becoming trapped.

A basement which will be used in the care of children shall be equipped with more than one exit; such exit may be an accessible window.

Mobile homes used as day care homes shall have at least two exits, be skirted and properly installed and stabilized.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

A-7451-2 Requirements for a Safe and Adequate Day Care Home.

Licensing representatives are authorized, but not required, to consult the State or County Department of Health regarding the sanitary standards, and to consult local fire departments regarding questions of fire safety. A license may be denied or revoked in the event an applicant or licensee refuses to permit an investigation by these authorities if requested by a licensing representative or if such authority advises that a license not be issued.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

See 1520. FIRE

Except where otherwise noted, all citations are to the Connecticut Department of Children and Youth Services, Regulations of Connecticut State Agencies, Section 17-48, October, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

17-48-102

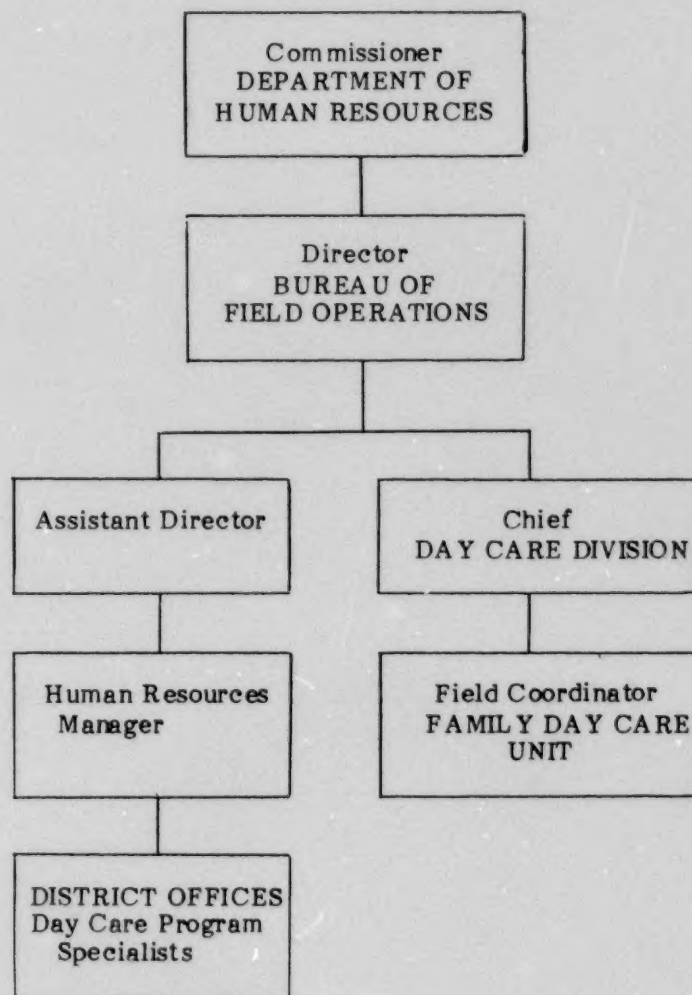
"Family-day-care" means care of an unrelated child in a home other than his own licensed by the department or approved by a licensed child-placing agency to provide such services on a regular recurring basis. Family day-care supplements parental care for three or more but less than twelve hour during a 24-hour period while the parent retains primary responsibility for the child.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

The day to day monitoring functions are carried out by district office staff under the direct supervision of the state central office. Licenses are issued and revoked by the state central office. East Hartford's local health department licenses family day care homes and day care centers using their own regulations.

122. Responsible Official

All inquiries should be addressed to:

Family Day Care Unit, Day Care Division
Bureau of Field Operations
Department of Human Resources
1179 Main Street
Hartford, Connecticut 06101
(206) 566-4303

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

17-48-49

A license to care for or board a child shall be issued only to the child-care facility for which application is made and only for the address shown on the application and shall not be transferable or assignable.

See also DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

Not specified

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

17-48-58

A child-care facility shall comply with all relevant regulations unless a waiver for specific requirement(s) has been granted through a prior written agreement with the department. This agreement shall specify the particular requirement(s) to be waived, the duration of the waiver, and the terms under which waiver is granted. Waiver of specific requirements shall be granted only when the facility has documented that the intent of the specific requirement(s) to be waived will be satisfactorily achieved in a manner other than that prescribed by the requirement(s). When the facility fails to comply with the waiver agreement in any particular, the agreement shall be subject to immediate cancellation.

230. ENFORCEMENT PROCEDURES231. Facility Inspections

17-48-51

Each license shall be conditioned on the granting to the Commissioner or his designee, access at any reasonable time as deemed necessary by him, to the premises described on the license. In cases of suspected child abuse/neglect, unrestricted access shall be at any time.

232. Denial, Suspension, Revocation of a License

17-48-54

A license may be suspended, revoked, or its renewal refused for any of the following causes whenever in the judgement of the Commissioner or his designee the child-care facility:

Fails to comply with the regulations prescribed by the Commissioner;

Fails to comply with applicable state and local laws, ordinances, rules and regulations relating to building, health, fire protection, safety, sanitation and zoning;

Violates any of the provisions under which the license has been issued;

Furnishes or makes any false or misleading statements to the Commissioner in order to obtain or retain the license;

Refuses or fails to submit reports or make records available when requested by the Commissioner or his designee;

Fails or refuses to admit the Commissioner or his designee at any reasonable time as deemed necessary by him, or in cases of suspected child abuse at any time, for the purpose of investigation.

17-48-56

If the department finds that public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

17-48-57

Upon discontinuance of the licensed program or revocation of the license, the license shall be returned by the child-care facility to the Commissioner within 14 days after receipt of such request.

233. Remedies and Sanctions

233.1 Hearings

17-48-54

Any child-facility may, within 15 days after receipt by certified mail of notice of refusal to renew or intended revocation of a license, request an administrative hearing thereon in accordance with the Uniform Administrative Procedures Act, Chapter 54, Connecticut General Statutes. Revocation or denial of renewal of license shall be stayed until such hearing is held except as provided. In the absence of such request for a hearing during this time period, the license shall either be revoked or not renewed. Applicants for initial licensure who are aggrieved by the refusal of the department to issue a license may request a hearing thereon by putting such request in writing to the Commissioner.

233.2 Decisions

Not specified

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

17-48-109

The provider's relationships with other members of the household shall be sufficiently harmonious to promote emotional security and a wholesome atmosphere for the child in care.

17-48-117

The provider shall use his or her license number in any advertisement for services and shall also provide the number, in writing, to the parent of a child accepted for care.

17-48-120

The provider shall report in writing to the department on the next working day any circumstances which alter the service as originally licensed or statement of fact in the application for licensing.

312. Telephone

17-48-116

The provider shall have a working telephone with emergency numbers posted in an easily visible location. The department shall be immediately notified of any change in the provider's telephone number.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

17-48-110

No license shall be granted if, within five years of date of application for license, the provider or anyone regularly residing in the home or any substitute care-giver has been convicted of a felony against persons, is awaiting or is on trial for such charges, or has had a child removed from his care or custody for reason of child abuse or neglect.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

17-48-119

Written permission for emergency health care of the child must be obtained from the parent, including the names, addresses and telephone numbers of the child's physician, the hospital-of-choice to be called in case of emergency and two responsible adults the provider can contact in case the parent is not available.

17-48-121

The provider and the parent shall discuss in detail the child's developmental history, how they will mutually meet the needs of the child, and indicate on a form provided by the department agreement on the following:

Hours and days of service, fees, arrival and departure arrangements;

Daily routine, toilet training, napping and feeding;

Methods of discipline;

Safe transportation arrangements for children leaving the family-day-care home with the provider, including mode of transportation and purpose;

Emergency health procedures, including arrangements for substitute care;

Awareness of responsibility of the provider for reporting suspected child abuse and neglect mandated by Connecticut General Statutes.

17-48-124

The day-care provider shall also have on record for each enrolled child, within 30 days of enrollment, and kept current, a statement signed by a licensed physician, or his authorized physician assistant or nurse practitioner.

17-48-127

Prior written authorization from the parent shall be obtained by the provider before permitting another person to remove the child from the family-day-care home.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

See 341. Children

344. Child Abuse Reporting

See 341. Children

345. Confidentiality of Records Requirements

17-48-128

The provider shall not disclose information pertaining to a child or family to other persons unless the parent has given written permission except in an emergency or in a case of suspected child abuse or neglect.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

17-48-107

The group shall not contain more than two children under the age of two. When the group includes one of two children under the age of two, the group size shall not exceed five.

When the group includes no child under the age of two, the group shall not exceed six.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

17-48-108

The provider shall be 18 years of age or older.

512. Health

17-48-112

Family-day-care providers and other members of the household shall be free of communicable disease, physical or mental infirmities which would interfere with their ability to care for children, and shall submit proof thereof from a licensed physician or his designee at the time of original licensure and at any subsequent time the Commissioner or his designee suspects there is a serious illness with any member of the family.

513. Education

Not specified

514. Experience

17-48-108

The provider shall:

Be not otherwise employed during those hours when care is provided for children;

Have the personal qualities to work with young children and the ability to relate to the parents and others in the community;

Have a personal schedule which allows the provider to remain sufficiently rested and refreshed so as to avoid undue frustration and fatigue which would result in poor or harmful interaction with children and so as to be capable of alert and competent supervision.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

17-48-111

Only a person who meets the requirements set forth in Section 17-48-108, Section 17-48-110 and Section 17-48-112 shall serve as a substitute for the family-day-care provider and care shall be given in the family-day-care home.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

11

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

17-48-122

The provider is responsible for seeing that the child's physical needs are adequately met while in the family-day-care home. These include adequate and nutritional meals and snacks prepared in a safe and sanitary manner; readily available drinking water; and a balanced schedule of rest, active play, indoor and outdoor activity appropriate to the ages of the children in care. The provider shall establish a planned program of developmentally appropriate activities, especially for children who are multilingual or handicapped, which promotes the social, intellectual, emotional and physical development of each child.

The provider shall make available for each child privacy related to his/her growth and development.

17-48-125

The provider shall provide opportunities for recreation within the family group, and for the school-age child in care should encourage participation in community activities of a cultural, educational or recreational nature.

612. Program Equipment and Materials

Not specified

613. Nap Provision

17-48-122

The provider shall make available for each child a bed, cot, mat or other provision for napping or resting which is comfortable and allows for minimal disturbance.

17-48-129

No care that extends into the evening hours may be provided unless the following additional conditions are met:

A separate bed appropriate to the child's age, with individual clean bedding, shall be provided and located in a quiet part of the home;

A child six years of age or older shall not share a room with another child of the opposite sex, nor with any adult;

A child under three years of age shall sleep in a bed on the same floor as the care-giver or a responsible adult;

In preparation for sleep, the child shall be dressed in appropriate, comfortable sleepware as agreed to by the parent and shall be involved in quiet activities such as bedtime stories.

614. Discipline and Guidance

17-48-111

The provider shall give children humane and affectionate care. The provider shall establish limits and assist children to develop self-control. Discipline shall be appropriate to the child's age and level of development. Foster and adoptive parents shall not use abusive, neglectful, corporal, humiliating or frightening punishment, and restraints not appropriate to the circumstances, particularly in the area of toileting, feeding or sleeping practices.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

See 341. Children

713. Immunizations

Not specified

714. Sanitation

17-48-114

The water supply shall be adequate and safe. If the home is not served by a public water supply, the water shall be analyzed and approved by the state or local department of health or by a private water testing laboratory approved by the State Department of Health Services at the time of initial licensure and at any subsequent time the department deems such testing is necessary. Adequate sewage and garbage facilities shall be maintained.

17-48-122

The provider shall make available for each child an individual blanket, towel and toilet articles appropriate to the needs of the child.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

17-48-118

Any child showing suspicious signs of illness shall be isolated from other children as much as possible and the parent called immediately.

717. Medication and Special Diet Provisions

17-48-119

Written instructions must be obtained from the child's parent or from the child's physician if medications are to be administered by the provider. Medications must be kept in labeled containers out of reach of children.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

17-48-113

Dwelling and furnishings shall be clean, comfortable and in good repair.

The home and grounds shall be reasonably free from anything that would constitute a hazard to children. Peeling indoor and outdoor house paint accessible to the children must be determined to be non-toxic. Equipment used by the children shall not be painted or covered by any material that is poisonous.

722. Fire Safety Requirements

17-48-113

Each room used for sleeping purposes located in a basement or on the first or second floor shall have two approved means of egress in case of fire or other disaster.

All floors above the second floor, if used for children in care, shall have two exits which are remotely located, safe, unobstructed and well lighted. A determination of reasonable fire safety shall be established for all family-day-care homes. Emergency evacuation plans shall be established and practiced at least quarterly with the children.

723. Transportation

Not specified

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

17-48-III

The provider shall be capable of handling emergencies.

727. First Aid Supplies

17-48-III8

Appropriate first-aid supplies shall be available in the home, out of reach of children.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

See 611. Program of Activities

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

17-48-111

The provider shall:

Be able to communicate effectively with the child and the parent;

Advise parents, as needed, concerning child health and social services available in the community;

Provide parents with the opportunity to observe the home and to discuss their children's needs before enrollment, and regularly after enrollment;

Regularly exchange information with the parents about the child's progress in the home;

120

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

17-48-126

Infants shall be allowed to crawl or toddle for a time. They shall be held for all bottle feedings and at other times during the child care period and given individual attention and verbal communication.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

17-48-113

There shall be sufficient indoor and outdoor space, ventilation, toilet facilities, light and heat to ensure the health and comfort of all members of the household.

1420. LIGHTING, VENTILATION, AND TEMPERATURESee 1410. Space1430. EXITSSee 722. Fire Safety Requirements1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

17-48-113

All auxiliary heating systems shall comply with state and local building codes.

1540. HEALTH

Not specified

FAMILY DAY CARE HOMES

CONNECTICUT

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Delaware Department of Health and Social Services, Requirements for Licensing and Approving Family Day Care Homes for Children, October, 1975.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

III. Definitions

Introduction - Definition of a Day Care Center.

Day Care includes facilities commonly called child care centers, day nurseries, and day care centers. After-school care and infant care are special forms of day care. Such care may be provided in a private home, in a rented or owned property converted to the purpose of day care.

\$341 Definition of "boarding home."

For the purpose of interpreting the meaning of the words "boarding home," a person, association, agency or organization is the keeper of a boarding home for children if, for hire, he or it:

Advertises or holds himself or itself out as conducting such a boarding home;

Has in custody or control 1 child or more under the age of 18 unattended by parents or guardian, for the purpose of providing such child or children with care, food or clothing for compensation.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Requirements - Licensed Parents.

There shall be a harmonious family life and all members of the home shall be willing to accept the child. This may lead to individual interviews with members of the family.

The licensed mother shall not be employed outside of the home except by special permission of the Division.

The licensed parents shall not accept into their home or allow to remain in their home any person who may be considered by the Division to be detrimental to the welfare of the children in its care. This includes roomers, boarders, relatives, etc.

If the home is already licensed, another person shall not become a regular part of the home until permission is obtained from the licensing department.

Requirements - Records and Reports.

The licensed parent shall report to the Division if a child remains in the home more than three months without board being paid or if the parents cannot be located or if the child runs away.

The licensed parent shall report to the Division any change in the location of the home or in the composition of the family group.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Requirements - Licensed Parents.

The family income shall be reasonably steady and sufficient to maintain an adequate standard of living exclusive of the income derived from the child.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Requirements.

When any member of the family group is mentally incompetent or has been in a mental institution or prison, the Division shall verify through written statement with the physician or institution that his presence will not be injurious to the child.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Civil Rights.

Title VI of the Civil Rights Act of 1964 requires that services in programs licensed by the Division of Social Services are used and available without discrimination on the basis of race, color or national origin.

340. RECORDS REQUIREMENTS341. Children

Requirements - Records and Reports.

The licensed home shall obtain on admission the following written information on each child:

Name of child.

Birthdate, sex, race, religion, school, grade.

Date admitted to the licensed home.

Names and addresses of parents, closest relative or guardian.

Name and telephone number of child's physician.

Marital status of parents.

Employment of parents.

Amount of board and by whom paid.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Requirements - Physical Care of Children.

Each child shall have a complete physical examination before being accepted for care.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

Number of Children.

The number of children given day care shall not exceed six. This number shall include the licensed parents' own preschool children. No more than three infants shall be cared for by one person.

The age and requirements of the children shall be a determining factor in the number of children for which the home may be licensed.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Requirements - Licensed Parents.

Licensed parents shall not be too old to care for the child adequately.

512. Health

Requirements.

The family shall be in good general physical and mental health. There cannot be any contagious or infectious disease in the home. The licensed mother shall be in such a condition of physical, mental and emotional well-being that she can accept the extra responsibility of boarding children without jeopardizing their development, her own health or the care she gives to her family.

All members of the family day care household who come in regular contact with the children shall submit evidence of:

A physician's certificate based on examination stating they are free from illness or disease which might be detrimental to the welfare of children. This examination must precede initial licensing and reoccur annually.

A tuberculin skin test and/or chest x-ray showing freedom from active tuberculosis prior to initial licensing. Future tests are required only if there is exposure to tuberculosis or for an individual with symptoms of tuberculosis.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

Requirements - Licensed Parents.

Licensed parents shall be responsible, wholesome people with sufficient emotional stability to give the right kind of care to the child. They shall be of good character and reputation.

Licensed parents shall have understanding of the problems of children and sympathy for them. They shall be able to give the child the affection and security he needs. They shall have wholesome attitudes toward and intelligent understanding of habit training, discipline, health, sex education and the various experiences that may have touched the child and on which he may need help.

See also 511. Age522. HealthSee 342. Staff, and 512. Health523. Education

Not specified

524. ExperienceSee 521. Age530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Not specified

612. Program Equipment and Materials

Not specified

613. Nap Provision

Requirements - Number of Children.

Sleeping facilities shall be such that no child over three years of age sleeps in a room with adults.

No child sleeps in the same bed with more than one child.

No two children of opposite sex sleep in the same bed.

No child over five years of age sleeps in the same room with a child of the opposite sex, except when necessary for napping in day care of children.

Beds shall be of ample size.

Boarding children shall not cause the sleeping quarters of children of the licensed parents to be inadequate.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Requirements - Physical Care of Children.

The licensed parent shall get and keep a written report on this examination from the physician.

Treatment for correction of remedial defects shall be arranged for with the parents of the child.

Periodic health examinations shall be given each child over two at least once a year.

Children under two shall be seen regularly at the clinic or by their physician as recommended.

Whether own parents or licensed parents take responsibility for having the child checked, the licensed parent shall keep a written record of the child's weight, height and diet changes.

The child shall not be given medical treatment except on the written advice of the physician.

Dental examination and necessary treatment shall be arranged for at least yearly by the parents or by licensed parents.

The own parents are expected to assume financial responsibility for the child's medical or dental care.

713. Immunizations

Not specified

714. Sanitation

Requirements - Licensed Home.

There shall be adequate bathing, toilet and heating facilities, proper lighting and ventilation, protection against flies and insects, and sanitary means of garbage disposal.

The water supply shall be of a safe sanitary quality and shall be obtained from a water supply approved by the Division of Public Health.

The home and premises shall be kept reasonably clean and sanitary at all times. The housekeeping shall be reasonably good, though the emphasis is on homemaking rather than on housekeeping.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Requirements - Physician Care of Children.

A physician's service shall be available for sudden illness or accident.

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

Requirements - Number of Children.

An adequate and well-balanced diet shall be provided for the child in accordance with proper nutrition for the age of the child.

Pasteurized milk shall be used where it is available. When it is not available, milk shall come from cows tested for disease.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

Requirements - Licensed Home.

The home shall have adequate space to meet the needs of the family and the number of children cared for.

There shall be suitable provision for both indoor and outdoor play, sleeping, eating and living.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

See 714. Sanitation

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

See 714. Sanitation

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

Requirements - Licensed Home.

The home shall conform in building, safety, sanitary and fire precautions to the legal regulations of the local community and state. These conditions will be verified by the Fire Department, Building Inspector and/or the Division of Public Health at the request of the Division.

When inspection of the home by a fire safety inspector, such as a representative of the local volunteer fire company or the State Fire Marshal cannot be procured, the worker shall determine whether:

There is a central heating system or a space heater properly connected with a flue with the floor protected with asbestos.

There is an emergency cutoff switch outside the heater room if central heat is employed.

There are approved fire extinguishers for the kitchen and the heater (each location). The fire extinguishers can be either a 5 lb. CO₂ or 10 lb. dry extinguisher.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

See 1520. FIRE

FAMILY DAY CARE HOMES

DISTRICT OF COLUMBIA

The District of Columbia regulates Family Day Care Homes under the same set of regulations as Day Care Centers. See DAY CARE CENTERS.

Except where otherwise noted, all citations are from the Florida Department of Health and Rehabilitative Services, Chapter 10C-19.01, Family Day Care Standards, July, 1975.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

10C-19.01 Definitions.

Family Day Care Home - an occupied residence in which day care is regularly provided for no more than five (5) pre-school children and elementary school children from more than one unrelated family including pre-school children living in the home and pre-school children received for day care who are related to the resident caregiver. Elementary school siblings of the pre-school children received for day care may also be cared for outside of school hours provided the total number of children including the caregiver's own and those related to her does not exceed ten (10). Hereinafter Family Day Care Home is referred to as home.

112. Exclusions and Exemptions

10C-19.07 Licensing Procedures - Programs Subject to Licensing.

Section 13 of Chapter 74-113, Laws of Florida, provided that homes may be licensed if they are presently being licensed under an existing county licensing ordinance or if the Board of County Commissioners passes a resolution that family day care homes be licensed. If not subject to license, family day care homes may report annually to the department the following information; the name and address of the home, the name of the operator, the number of children served, and the availability of emergency care.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

10C-19.07 Licensing Procedures - Designation of Licensing Agency.

That agency designated as the licensing agency for child care facilities in accordance with the licensing procedures detailed in Section 10C-19.07 shall be the licensing agency for family day care homes that are subject to licensing in accordance with Section 10C-19.07(1).

Any county whose licensing standards meet or exceed state minimum standards may:

designate a local licensing agency to license family day care homes in the county; or

contract with the department to delegate the administration of state minimum standards in the county to the department.

Family day care homes in any county whose standards do not meet or exceed state minimum standards shall be subject to licensure by the department under state minimum standards.

Approval of Licensing Agency:

Within thirty (30) days after the promulgation of state minimum standards, each county shall provide the department with a copy of its standards if they differ from the state minimum standards. At the same time, each county shall provide the department with the administrative procedures it intends to use for the licensing of family day care homes.

The department shall have the authority to determine if local standards meet or exceed state minimum standards. Within sixty (60) days after the county has submitted its standards and procedures, the department shall, upon being satisfied that standards required by Chapter 74-113, Laws of Florida have been met, approve the local licensing agency.

Approval to issue licenses for the department shall be renewed annually. For renewal, the local licensing agency shall submit to the department a copy of the licensing standards and procedures applied and an on-site review may be made if deemed necessary by the department.

If, following an on-site review, the department finds the local licensing agency is not applying the approved standards, the department shall report the specific violations to the county commission of the involved county who shall investigate the violations and take whatever action is necessary to correct them.

Licensing of family day care homes, either by a local licensing agency or the department under the provisions of Chapter 74-113, Laws of Florida, shall become effective as of July 1, 1975. Those licensing procedures in operation shall continue until that date.

To insure that accurate statistical data are available, each local licensing agency shall report annually to the department the number of family day care homes under its jurisdiction, the number of children served, the ages of children served, and the number of revocations or denials of licenses.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

10C-19.07 Licensing Procedures - Issuance of License.

Annual Licensing: - After July 1, 1975, family day care homes may be licensed under this act if they are presently being licensed under an existing county licensing ordinance or if the Board of County Commissioners passes a resolution that family day care homes be licensed.

State Administration of Licensing - In any county in which the department has the authority to issue licenses, the following procedures shall be applied:

Application for a license or for a renewal of license to operate a home shall be made on the forms prescribed by the department.

The license certificate for a family day care home is issued for a specific address and for operation by specific individuals or a designated organization. It shall specify the age and maximum number of children who can be enrolled.

A license is not transferable.

The license shall be displayed in a conspicuous place in the main part of the building.

Local Administration of Licensing - In any county in which there is a local licensing agency approved by the department, the following procedures shall apply:

Application for a license or for renewal of license to operate a home shall be made on the forms prescribed by the local licensing agency.

The license certificate for a home is issued by the local licensing agency for a specific address and for operation by specific individuals or a designated organization. It shall specify the age and maximum number of children who can be enrolled.

A license is not transferable.

When there is a change in the operator of a home, a new license will be required.

Prior to the renewal of a license, the agency shall reexamine the home, including in that process the examination of the premises and records of the home as required by Chapter 74-113, Laws of Florida, to determine that minimum standards for licensing continue to be met.

The local licensing agency shall issue or renew a license upon being satisfied that all standards required by this act have been met.

The license shall be displayed in a conspicuous place in the main part of the building.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

10C-19.07 Licensing Procedures - Issuance of License.

Prior to the renewal of a license, the department shall re-examine the home including in that process the examination of the premises and those records of the home as required under Section 5 of Chapter 74-113, Laws of Florida to determine that minimum standards for licensing continue to be met.

The department shall issue or renew a license upon being satisfied that all standards required by the act and regulations have been met.

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

10C-19.07 Licensing Procedures - Inspection.

A licensed home shall accord to the department or the local licensing agency, whichever is applicable, the privilege of inspection, including access to the home, staff, and those records required in Section 5, Chapter 74-113, Laws of Florida, at reasonable times during regular business hours, to insure compliance with the provisions of this act.

If the time selected for inspection by the inspector proves to interfere with the normal operation of the home, the inspection may take place, but the operator may have the option of requesting an appointment at another time for discussion of possible deficiency and inspection of records required in Section 5, Chapter 74-113, Laws of Florida.

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

10C-19.07 Licensing Procedures - License Required.

In those counties which are subject to licensing, after July 1, 1975, the operation of a family day care home without a license is prohibited. The department or the local licensing agency is empowered to seek an injunction in the circuit court where the family day care home is located against the continuing operation of a family day care home for the following reasons:

When there is any violation of the standards applied under this act which threatens harm to any child in the family day care home.

When a licensee has repeatedly violated the standards provided for under this act.

If a family day care home continues to have children in attendance after the closing date established by the department or the local licensing agency.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Not specified

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

10C-19.01 Personnel - General Requirements.

No person shall be an operator of nor be employed in a home who has been convicted of a crime involving child neglect, child abuse, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally retarded or mentally ill to an extent that may be injurious to children.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

10C-19.05 Admissions and Record Keeping - Health Requirement.

Within thirty (30) days after enrollment, each child shall have a written statement on file at the home from a licensed physician or authorized agent of a Florida County Health Department attesting that:

The child is in good health, or, that any known irregular condition is under treatment.

The child is free from tuberculosis as indicated by an approved skin test.

This examination must have taken place within the preceding six (6) months.

Written proof of re-examination shall be filed with the home every two (2) years.

Immunizations:

Upon the child's admission, the parent shall present evidence that immunizations appropriate to the child's age are up to date or are in the process of being brought up to date.

Evidence that immunizations are up to date for each child enrolled shall be kept current and on file.

342. Staff

See 512. Health

343. Child Eligibility and Enrollment Requirements

10C-19.05 Admissions and Record Keeping - Enrollment Information.

The operator shall obtain from the parent and keep current the following enrollment information:

The child's full legal name, birth date, current address, and preferred name(s).

The name and address of the parent.

Telephone numbers or instructions as to how the parent may be reached during the hours the child is in the home.

Names, addresses, and telephone numbers of person(s) who can assume responsibility for the child if for some reason the parents cannot be reached in an emergency. Names and addresses of persons authorized to take the child from the home.

The name, address, and telephone number of a physician or health resource that can be called in case of emergency and the parent's written permission to consult that physician or health resource if the parent cannot be reached.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not applicable

420. GROUP SIZE421. Group Size as of March, 1981

See III. Definitions

422. Methods of Computing Group Size

See III. Definitions

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

10C-19.01 Personnel - Minimum Age Requirement.

The operator of a home must be at least eighteen (18) years of age.

512. Health

10C-19.01 Personnel - Health Examinations.

Family Day Care Home Operator:

A statement must be on file at the time of licensure from a licensed physician or authorized agent of a Florida County Health Department attesting that the operator is in good health and is free of tuberculosis as indicated by an approved skin test or X-Ray administered within the preceding six (6) months.

Evidence of freedom from tuberculosis shall be provided annually for all family members.

Substitutes:

In the absence of the family day care operator, a substitute adult may serve as a temporary replacement for not more than three (3) days on a non-recurring basis without meeting the requirements of periodic health examinations.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Not specified

612. Program Equipment and Materials

10C-19.03 Physical Facility - Equipment.

Indoor Equipment:

The home shall have equipment and toys which are safe and can be maintained in a sanitary condition.

Outdoor Equipment:

There shall be play equipment to provide suitable activities for the children. All equipment shall be safely installed and maintained in a safe condition.

613. Nap Provision

10C-19.03 Physical Facility - Sleeping and Napping Space.

Each home must include a designated area where a child can sit quietly or lie down to rest or nap.

Infants up to the age of twelve (12) months must be in cribs with sides.

Children may sleep on beds used by the family provided that a sheet solely for the use of the child covers the bedding.

Each child shall have a separate bed, cot, crib, playpen, or floor mat, except that two (2) pre-school children may share a double bed.

A minimum distance of eighteen (18) inches shall be maintained between individual napping spaces.

10C-19.06 Care for Children During Night-Time Hours.

Each child shall have a separate bed with his own linens covering the bedding, except that two (2) pre-school children may share a double bed.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 341. Children

713. Immunizations

See 341. Children

714. Sanitation

10C-19.03 Physical Facility - -General.

Household pets must be properly immunized against disease.

Cleanliness and Orderliness:

All parts of the home, furnishings, equipment, plumbing, and the premises shall be kept in a clean, sanitary, and orderly condition at all times, and rodents and vermin shall be controlled.

All hazardous products such as medicines, cleaning agents, insecticides shall be stored out of reach of children.

Soiled items shall be placed in covered containers which shall be emptied, cleaned, and disinfected daily. Children's wet or soiled clothing and crib sheets shall be changed promptly.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

10C-19.03 Physical Facility - Isolation Area.

The home shall have an area for a child who becomes ill, where he is subject to close observation. Linens and disposables shall be changed after each use.

First-Aid Treatment and Emergency Procedures:

Any child showing symptoms of illness during the day shall be removed from the group to the isolation area where he shall receive necessary attention until such time as the operator and his parents can make plans for his care elsewhere or until he is ready to return to his group.

Any child suspected of having a communicable disease shall be isolated immediately and the condition reported to the parent.

717. Medication and Special Diet Provisions

10C-19.04 Nutrition.

Arrangements shall be made between the operator and parent for a child's special diet when prescribed by a physician. The physician's order and a copy of the diet and sample meal plan for the special diets shall be in the child's record.

10C-19.05 Admissions and Record Keeping - Medication.

When prescription medication is to be dispensed, the name of the doctor, child, and medication directions for administration shall be written on the label. A written request signed by the parent(s) shall accompany the medication stating the time and amount of dosage and the name of the medication to be given the child. The operator shall record the name of the child, medication, date, time, and amount of dosage dispensed.

718. Waiver of Health Requirements

10C-19.05 Admissions and Record Keeping - - Immunizations.

Exemptions:

Any child shall be exempt from medical or physical examination upon written request of the parent of such child who objects to the examination and treatment; provided, however, that the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.

720. SAFETY721. General Safety Requirements

10C-19.03 Physical Facility.

All surfaces or items accessible to children shall be free of toxic material. Lead base paint is prohibited. This includes outer surfaces of buildings, fences, or play equipment.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials and 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

10C-19.01 Personnel - Emergency Arrangements.

There shall be a written plan to provide at least one (1) other competent adult to be available to substitute for the operator in an emergency. This plan shall include the name, address, and telephone number of the designated substitute.

10C-19.03 Physical Facility - First-Aid Treatment and Emergency Procedures.

Parents shall be notified immediately of any illness or injury to the child in the home and their specific instructions regarding the action to be taken shall be obtained. In cases of emergency, if the parents or persons designated to be called cannot be reached, the operator will contact those sources designated on the record of child accepted for care.

The operator shall have written instructions from parents to follow in arranging for immediate treatment in emergencies.

727. First Aid Supplies

10C-19.03 Physical Facility - First-Aid Treatment and Emergency Procedures. There shall be first-aid supplies - soap, bandaids, sterile gauze squares, adhesive tape, thermometer, and tweezers. These supplies shall be kept in a covered container which is labeled "First Aid" and kept in a designated location.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

10C-19.04 Nutrition.

The operator shall provide meals and snacks of a quantity and quality to supplement food served at home so that the daily nutritional needs of the children are met according to recognized nutritional standards. (The standards most widely accepted are the National Research Council's Recommended Dietary Allowances). Recommended meal patterns to meet these standards are to be provided by the licensing agency.

If meals and snacks are furnished by the child's parents, there shall be a written agreement signed by the parent and kept on file at the home with a copy given to the parent. This agreement shall define the responsibilities of the parent and the operator in meeting the child's nutritional needs.

Drinking water shall be freely available to children of all ages.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

10C-19.03 Physical Facility - - Toilet and Bath Facilities.

For infants and toddlers, there shall be at least one (1) portable infant toilet seat or potty chair. These shall be kept in sanitary condition.

1130. INFANT NUTRITION

10C-19.04 Nutrition.

Where infants are in care, they shall be individually fed or supervised at feedings and offered foods appropriate for their age. Formula furnished by parents shall be refrigerated and handled in a sanitary manner.

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

10C-19.01 Personnel - Handicapped Children.

If handicapped children are served, provision shall be made for their specific needs.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

10C-19.03 Physical Facility - - Indoor Space.

There shall be adequate indoor play space per child in some part of the home specifically designated for this purpose apart from kitchens, bathrooms, pantries, and passageways leading to outdoor exits.

Outdoor Space:

There shall be adequate outdoor play space on the premises. The play space shall be enclosed if it is near well traveled streets, lakes, ditches, brooks, or other hazards. Any unfenced yards shall have adult supervision when children are playing outdoors. The outdoor play area shall be clean, free of litter, nails, glass, and other obvious hazards. All equipment shall be free of sharp and jagged edges.

All water hazards such as pools, swimming pools, wading pools, ditches, fish ponds, etc., shall be enclosed to keep them out of reach of children.

1420. LIGHTING, VENTILATION, AND TEMPERATURE**10C-19.03 Physical Facility - - General.**

The house shall be safe and in good repair. It shall have adequate lighting, ventilation, and a safe source of heat.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES**10C-19.03 Physical Facility - - Toilet and Bath Facilities.**

The home shall have at least one (1) toilet, and one (1) portable or permanent bathing facility and one (1) lavatory for handwashing purposes.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS**1510. ZONING**

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Georgia Department of Human Resources, Office of Regulatory Services, Minimum Standards for Family Day Care Homes, April, 1969.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

GA. CODE ANN. CHAPTER 99-1 CHILDREN AND YOUTH ACT.

"Family day-care home" shall mean a home operated by any person who receives therein for pay three or more children under 17 years of age, who are not related to such person and whose parents or guardians are not residents in the same house, for daytime supervision and care, without transfer of custody.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

I. THE DAY CARE FAMILY.

The family day care parent shall be legally responsible for the home and the care of the children.

All family day care homes shall report to the Child Care Licensing Section, Office of Regulatory Services, Department of Human Resources, within twenty-four hours, the following:

Change of ownership or address, or closing of home.

Serious injury or death of any child while in the home.

Any fire.

III STAFF.

The staff in a family day care home shall consist of the day care parent and the helping persons necessary to meet the needs of the children enrolled. If the day care parent is the sole person providing care, she must be able to secure the services of responsible persons who have agreed in writing to be available to assume responsibility in time of emergency.

312. Telephone

VIII EQUIPMENT.

There shall be a telephone accessible to the family day care home.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

IV RECORDS.

The family day care home shall keep the following records of individual children:

Record of individual children including:

Identifying information (child's name, birthdate, parents or guardian's name, home and business address, telephone numbers).

Name, address and telephone number of persons to contact in emergencies.

Current immunization records for each child enrolled. These shall include smallpox, measles, tetanus, whooping cough, diphtheria, polio.

A record of the result of a skin test or x-ray for tuberculosis.

A signed statement from a physician indicating that the child is free of communicable or contagious disease. This shall be renewed at least annually (preferably every six months for the child under two years of age) and at any time the child's general condition indicates the need while the child is in care.

Description of accidents or illnesses occurring while child is in the day care home—including date, time and conditions under which it occurred and action taken.

342. Staff

I THE DAY CARE FAMILY.

There shall be on file medical reports certifying that members of the family day care home are free from communicable and contagious disease. These reports shall be renewed annually.

IV RECORDS.

The family day care home shall keep the following personal records of any employee:

Identifying information.

References.

Evidence of annual physical examination.

Result of skin test or x-ray for tuberculosis.

343. Child Eligibility and Enrollment Requirements

II ADMISSION OF CHILDREN.

The family day care home shall develop and follow a plan for enrollment of children. This plan shall include an interview with the parent or guardian of the child for the purpose of securing from the parent the following information and signed agreements:

Age, physical condition of child.

Name, address and telephone number at home and at work for parent or guardian.

Signed agreement between parent and family day care home which includes name, address and telephone number of person or persons to whom the child may be released; name, address and telephone number of persons to be called in emergency when parent cannot be reached; permission for the family day care home to secure medical help in time of emergency.

Responsibility for escorting child to and from transportation vehicle if transportation is provided.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

III STAFF.

ADULT-CHILD RATIO: When there are three children under 2 1/2 years of age in the family day care home, plus older children, there shall be a helping person in addition to the day care parent available in the home.

412. Methods of Computing Staff/Child RatiosSee 411. Staff/Child Ratio as of March, 1981420. GROUP SIZE421. Group Size as of March, 1981

II ADMISSION OF CHILDREN.

The maximum number of children cared for in the day care home shall not exceed six, including the day care family's own children and relatives.

422. Methods of Computing Group SizeSee 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

I THE DAY CARE FAMILY.

Children shall at no time be left in the care of anyone under sixteen years of age.

512. Health

See 342. Staff

513. Education

Not specified

514. Experience

I THE DAY CARE FAMILY.

The director and/or owner of the family day care home shall be a person of good character who has evidence of knowledge through successful experience with young children and/or recent training, of the growth and developmental needs of children and who understands the role of day care in meeting the needs of children and families.

III STAFF.

The day care parent or staff employed by the day care parent shall be persons who have a knowledge of child growth and development sufficient to plan good experiences for children, and to understand and interpret behavior. They shall have evidence of recent participation in workshops, courses, seminars, etc., which relate to the care of young children. If such training is not available, this requirement may be waived until training is available.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 342. Staff

523. Education

Not specified

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See 514. Experience

542. Child Caregiver Staff

See 514. Experience

543. Support Staff

See 514. Experience

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

VII PROGRAM.

When planning the child's day, the family day care parent shall consider the age and developmental level of children, the needs of individual children, the experience offered children in their home, and the goals which children's families have for them.

The family day care parent shall make provision for alternate periods of active and quiet play. There shall be quiet periods before lunch, before and after unusually stimulating experiences, after vigorous play.

The family day care parent shall:

encourage children to help themselves in washing, dressing, toileting, etc.

Permit children to go to the toilet and get water as they feel the need.

Make provision for active and vigorous play such as water play, pounding, molding clay, digging, etc., and provide suitable space and equipment.

Make provision for the children to spend a portion of each day outside when weather permits.

The family day care parent shall avoid formal instruction in academic subjects beyond the developmental level of the children.

With parents' approval, children should have opportunity to participate in activities away from the home such as trips to the store, to a park, etc.

612. Program Equipment and Materials

VIII EQUIPMENT.

There shall be in the family day care home furnishings and equipment sufficient in quantity to insure that each child shall have opportunity to participate in many kinds of activities appropriate for his developmental level. Equipment shall be kept clean and in usable condition, stored in such a way that it is accessible to the children.

There shall be sufficient outdoor equipment to provide a varied outdoor program for children.

613. Nap Provision

VII PROGRAM.

There shall be a supervised nap period during the day for pre-school age children.

VIII EQUIPMENT.

Provision shall be made for each child to have a comfortable place to nap. Equipment shall be kept clean and sanitary.

614. Discipline and Guidance

VII PROGRAM.

The family day care parent shall avoid using any disciplinary techniques which are hurtful, frightening, mentally or physically injurious, or humiliating to the child, associating punishment with food, rest, isolation because of illness, or toilet training.

700. HEALTH AND SAFETY710. HEALTH711. General Health RequirementsV HEALTH AND SAFETY.

The family day care home shall work toward protecting, maintaining and improving the health of children while they are in the home.

The family day care parent shall help children acquire habits of good hygiene, techniques of accident prevention and skill in care of simple injuries.

No person who is suffering from a contagious disease or illness shall be in contact with children while in the family day care home.

712. Health Assessments

See 341. Children

713. Immunizations

See 341. Children

714. SanitationVIII EQUIPMENT.

Individual wash cloths and towels shall be provided for all children.

Each child shall have an individual drinking cup.

X OUTDOOR PLAY SPACE.

The grounds shall be kept clean and free from litter.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

V HEALTH AND SAFETY.

The family day care home shall have an arrangement with a nearby physician, clinic, or hospital so that immediate treatment can be obtained in emergencies.

Any child showing symptoms of illness during the day shall be removed from the group to a quiet area where he shall receive necessary attention until such time as the home and his parents can make plans for his care elsewhere.

A child suffering from a communicable or contagious disease shall not be admitted to a home where there are other children unless plans are based on competent medical advice.

Parents or guardians of all children enrolled shall be notified when a communicable disease has been introduced into the home.

Parents shall be notified immediately of any illness or injury to the child in the family day care home and their specific instructions regarding action to be taken obtained.

717. Medication and Special Diet Provisions

V HEALTH AND SAFETY.

No medication shall be given at the family day care home except by authorization of a physician or the parent. This should be in writing.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

IX BUILDING AND GROUNDS.

The building shall be clean and free from obvious hazards to the child's health and safety.

The use of multiple electric extension cords from one outlet shall be avoided and electrical outlets within reach of children shall be plugged or covered.

X OUTDOOR PLAY SPACE.

The playground area shall be fenced or otherwise protected from traffic or other outside hazards. Fencing material shall present no hazard to children.

722. Fire Safety Requirements

IX BUILDING AND GROUNDS.

The heating system in the family day care home shall present no hazard to children. Unvented heaters shall not be used. Floor furnaces, to be approved, shall have adequate protective coverings or guards to insure that children coming into contact with them cannot be burned.

The family day care home shall have a written plan for evacuation in case of fire.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

See 722. Fire Safety Requirements

727. First Aid SuppliesV HEALTH AND SAFETY.

A first aid kit equipped with soap, band-aids, sterile gauze squares, adhesive tape and tweezers shall be maintained. The family day care parent shall be knowledgeable about first aid procedures.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional RequirementsVI NUTRITION AND FOOD SERVICE.

Meals served in the family day care home shall be planned with the child's daily food needs in mind and should complement the meals served in the child's own home.

Children who are in care five or more hours shall have one-third of their daily food needs supplied by the family day care home. This shall include a nutritious mid-morning snack or breakfast, a noon-day meal (preferably hot) and a mid-afternoon snack. Children in care for ten hours shall have an additional meal, either breakfast or supper, depending upon hours of care. Children shall be served a minimum of 8 oz. of whole milk per day. (Soft drinks, candy, potato chips, etc., are not considered to be nutritious snacks.)

Menus shall be available to parents.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

VI NUTRITION AND FOOD SERVICE.

Meals shall be attractively served in an atmosphere which is comfortable and relaxed.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

VII PROGRAM.

Provision shall be made for each infant to spend a portion of each day outside the crib or playpen.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

VI NUTRITION AND FOOD SERVICE.

For children under one year of age, the family day care home shall secure from the parents a formula and feeding plan; this plan shall be on file in the home and followed in detail. Formulas shall be clearly marked. In planning diet, the introduction of solid foods, etc., the family day care home shall follow the recommendations of the child's parents. Infants shall be fed individually and preferably shall be held while fed.

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

IX BUILDING AND GROUNDS.

The family day care home shall provide at least one room in which children may play energetically with freedom.

The rooms in which children are served shall provide 35 square feet of usable play space per child.

Special approval shall be obtained for use of rooms lower than three feet below ground level to be used to house children. To be considered for approval, these rooms shall be warm, dry, well ventilated and well lighted.

There shall be a suitable place provided for children's outer garments and private possessions.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

IX BUILDING AND GROUNDS.

There shall be at least one toilet and one handwashing facility available for children's use.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

I THE DAY CARE FAMILY.

The family day care home shall meet all laws, regulations, rules and ordinances of State, local and federal governments which apply to its operation.

1520. FIRE

See 1510. Zoning

1530. BUILDING

See 1510. Zoning

1540. HEALTH

See 1510. Zoning

1550. SANITATION

See 1510. Zoning

1560. NEW CONSTRUCTION

See 1510. Zoning

Except where otherwise noted, all citations are from the Guam Department of Public Health and Social Services, Standards for Child Care, 1972.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

See DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

183

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Section III Family Day Care and Group Day Care Homes - Records.

Family Day Care and Group Day Care homes should maintain the following records:

Completed application form for each child

Daily attendance record

Emergency information

Address and telephone number of parents and two other adults responsible for the child's care.

Name of family physician, his telephone and address.

Written consent to call another physician when the family physician cannot be contacted.

A health record on each child shall include the following information:

Physical examination report current within 90 days prior to admission.

Immunization.

Any medical health problems including restrictions and allergies.

Chest x-ray and tuberculin test.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Section III Family Day Care and Group Day Care Homes - Requirements for Family Day Care and Group Day Care Program.

In general, the family should have sufficient income to cover its basic needs. Families who have low income or who are receiving public assistance but who have the other qualifications, may be used.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

See 311. General Administrative Requirements

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

See 311. General Administrative Requirements

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Section III Family Day Care and Group Day Care Homes - Records.

All records shall be held confidential and shall be available on demand to a duly authorized official of the department.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Section III Family Day Care and Group Day Care Homes - Group of Children - Family Day Care Home.

Infancy through six years. No more than two children under two and no more than five in total, including family day care mothers' own children under fourteen years of age.

Three through fourteen years. No more than six children, including the family day care mother's own children under fourteen years old.

Group Day Care Home may range up to twelve children, but the child-staff ratio will be the same as those established for Day Care Centers (see Day Care Centers).

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Section III Family Day Care and Group Day Care Homes - Requirements for Family Day Care and Group Day Care Program.

The day care mother should not be so young as to lack maturity, nor so old as to lack the energy and flexibility necessary to care for young children.

512. Health

Section III Family Day Care and Group Day Care Homes - Requirements for Family Day Care and Group Day Care Program.

All members of the family should have good health. A physical examination of each member of the family should be required to certify that he is free from a physical or mental illness detrimental to a child, including evidence that there is no tuberculosis infection or other communicable disease.

513. Education

Not specified

514. Experience

Section III Family Day Care and Group Day Care Homes - Requirements for Family Day Care and Group Day Care Program.

The day care mother should like and understand children and be capable of giving them affection and security and of deriving satisfaction from caring for them. At the same time, she has to appreciate that her relationship with the child must not be so intense as to involve the child too closely or to threaten the child's mother.

The relationships in the day care family should create a favorable atmosphere for children. Generally, a family with two parents is desirable, particularly for children who have no father in their homes. In certain situations, however, widows, unmarried mothers, and single women are able to offer needed service.

The family should have the personal characteristics that will ensure continuity of care throughout a child's need in the home.

The Day Care mother must also be flexible enough to meet the needs of individual children as they may change during the time she is caring for them.

The day care mother should be capable of handling an emergency promptly and intelligently.

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. ExperienceSee 514. Experience530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Section III Family Day Care and Group Day Care Homes - Play Space and Materials.

In addition to play space indoors and outdoors, there should be sufficient play materials and equipment for indoor and outdoor activities to stimulate the activity and imaginative play suitable to the age of the children.

612. Program Equipment and MaterialsSee 611. Program of Activities

613. Nap Provision

Section III Family Day Care and Group Day Care Homes - Sleeping Arrangements.

Each child should have an individual bed or cot, kept in clean and sanitary condition at all times.

614. Discipline and Guidance

Section III Family Day Care and Group Day Care Homes - Discipline.

There shall be no punishment or discipline which may in any way injure or harm a child physically or emotionally.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Section III Family Day Care and Group Day Care Homes - Care of Children.

The family care and group care parents shall require that a child in a day care have a physical examination at least annually.

713. Immunizations

Not specified

714. Sanitation

Section III Family Day Care and Group Day Care Homes - Clothing and Personal Supplies.

A change of clothing shall be kept for emergencies.

Each child in day care shall be provided with individual towels, combs, toothbrushes, and other necessary toilet articles.

715. Daily Illness Screening

Section III Family Day Care and Group Day Care Homes - Care of Children.

There shall be a daily health inspection of each child upon arrival at the home.

716. Care of Sick Children

Section III Family Day Care and Group Day Care Homes - Care of Children.

A child who becomes ill after he has arrived at the home shall be separated from the rest of the group but within call of an adult, until the parents call for him.

717. Medication and Special Diet Provisions

Section III Family Day Care and Group Day Care Homes - Care of Children.

Specific instructions obtained from a physician for the feeding and care of children with special problems shall be written on their records and followed.

Under no circumstances should a day care mother give medication of any kind unless prescribed by a physician. Should she accept this responsibility, the medication shall be kept in the original container bearing the prescription label which shows the date filled, physician's directions for use and the child's name.

Medication shall be kept out of reach of the children and returned to parents when no longer needed.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Section III Family Day Care and Group Day Care Homes - Safety and Hygiene. Every day care facility should be responsible for seeing that children are cared for in a building that is structurally sound, free from fire hazards and maintained in a sanitary condition.

722. Fire Safety Requirements

See 721. General Safety Requirements

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Section III Family Day Care and Group Day Care Homes.

Day Care Homes caring for children through mealtime shall provide:

Nutritious food appropriate to the age of the child

Nutritious snacks between meals

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Section III Family Day Care and Group Day Care Homes.

The physical facilities of homes used for day care should be compatible with the standards of the neighborhood in which the children live; provide adequate

space for daily activities of young children and present no hazards to their health or safety.

There shall be easy accessibility to adequate outdoor space. It shall be fenced or otherwise protected, safe and well-drained with sunny and shady areas.

There shall be a minimum of 35 square feet per child of indoor areas, excluding bathroom, kitchen, cupboard space and hallways.

There shall be a minimum of 75 square feet per child of outdoor areas.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Section III Family Day Care and Group Day Care Homes - Housing

The dwelling should conform to local sanitary, building and zoning regulations.

1520. FIRE

Not specified

FAMILY DAY CARE HOMES

GUAM

1530. BUILDING

See 1510. Zoning

1540. HEALTH

Not specified

1550. SANITATION

See 1510. Zoning

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Hawaii Department of Social Services, Rules and Regulations Governing Family Day Care Homes, August, 1966.

100. STATE APPROVAL OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO APPROVAL AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Section I - Definitions.

Family day care home: A home in which two but not more than five children are provided regular care apart from their parents or guardians.

with or without charging a fee during any part of a twenty-four hour day.

where the relationship of child and family day care parents is not by blood or marriage.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR APPROVAL OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. APPROVAL PROCESS AND ENFORCEMENT PROCEDURES

210. APPROVAL PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. APPROVAL PROCEDURE

221. Application and Issuance

Section I - Definitions - Application.

A person desiring to provide day care for children shall submit an application to the Department for a certificate of approval.

An application from a married person living with a spouse shall be made jointly by husband and wife.

Issuance of Certificate of Approval

When the study indicates that the home is in compliance with these regulations, a certificate of approval shall be issued by the Department for a period of one year.

The certificate of approval shall specify the : 1) name and address of the person(s) to whom it is issued, 2) the number of the certificate, 3) the maximum number and ages of children for whom it is licensed, and 4) the period for which the certificate is effective.

The certificate of approval is non-transferable when the person(s) to whom it is issued ceases to operate a family day care home.

The certificate of approval is subject to review when:

There is a change in residence.

The home accepts more than the maximum number of children for which it is approved.

There is a change in family composition.

The certificate of approval shall be conspicuously posted in the home.

222. Fee Charged

Not specified

223. Areas of Investigation

Section I - Definitions - Study of Home.

The Department shall conduct a study of the applicants and their home to determine whether the established regulations are met.

A record of the study shall be kept on file by the Department.

224. Certificate Renewal

Section I - Definitions - Renewal of Certificate of Approval.

At least 60 days prior to the expiration of the current certificate, the family day care home shall apply for renewal of its certificate.

A study shall be conducted following the receipt of the renewal application.

225. Conditional/Provisional Approval Certificate

Section I - Definitions - Temporary Permit.

The Department may issue a temporary permit for a period up to six months to any applicant who is temporarily unable to conform to all of the regulations.

Renewal of such a permit shall be left to the Department's discretion.

226. Substantial Compliance

Section X - Exceptions.

Exceptions to the regulations may be made at the discretion of the Department.

230. ENFORCEMENT PROCEDURES231. Facility Inspections

Section IX - Contacts with the Home.

The family day care home shall be subject to visits by the Department as is deemed necessary to protect the welfare of children in day care.

232. Denial, Suspension, Revocation of an Approval

Section I - Definitions - Denial of Certificate of Approval.

A certificate of approval shall not be issued when the study indicates to the Department that the home does not meet these regulations.

The Department shall send a written statement to the family day care parent, giving reason for denial of a certificate of approval.

Any person denied a certificate of approval may request, and shall be granted, an opportunity to discuss with the Department the reason(s) for the denial or shall have the right to a hearing with the Director of the Department.

Suspension & Revocation.

Whenever a home no longer meets the conditions under which the certificate of approval was granted, the Department shall notify the day care parent in writing, stating specific violation(s) and a time limit to effect necessary corrections.

If a family day care home fails to make the necessary corrections within the stated time limit after such notice is given, the certificate of approval shall be suspended or revoked by the Department.

233. Remedies and Sanctions

233.1 Hearings

Section I - Definitions - Hearing.

Any family day care home whose certificate of approval is to be suspended or revoked, or denied, shall have the right of hearing with the Director of the Department, provided such appeal is made in writing not later than ten days after receipt of the notice of suspension, denial or revocation.

Upon receipt of an appeal, the Director of the Department shall arrange for the hearing.

The final suspension or revocation may at the discretion of the Director of the Department be stayed.

233.2 Decisions

Not specified

233.3 Judicial Review

Section XI - Penalty.

Any person willfully making any false statement or violating these regulations shall be guilty of a misdemeanor and be punishable by a fine not exceeding two hundred dollars.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Section IV - Care of Children - Religion.

The religious faith of each child shall be respected.

Section V - Family Day Care Parents & Household - Requirements.

Family day care parents shall not conduct a lodging or boarding house, or other business on the premises which would adversely affect the welfare of the children under their care.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Section V - Family Day Care Parents & Household - Requirements.

Income of the day care family shall be reasonably steady and sufficient to maintain an adequate standard of living for the family.

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

Section III - Administration - Records.

Each family day care home shall keep the following records:

Completed application form for each child.

Daily attendance record.

Emergency information

Address and telephone number of parents and 2 other adults responsible for the child's care.

Name of family physician, his telephone and address.

Written consent to call another physician when the family physician cannot be contacted.

A health record on each child shall include the following information:

Physical examination report.

Immunization records.

Any medical health problems including restrictions and allergies.

Chest x-ray or tuberculin test.

Section IV - Care of Children - Health.

The family day care parents shall require the following written medical reports and health information on each child accepted for admittance to their home:

A physical examination by a licensed physician given within 90 days immediately preceding placement.

Immunization records.

Pertinent information on the health of the child and any particular medical health problems.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Section III - Administration - Records.

All records shall be held confidential and shall be available only to duly authorized persons.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

204

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Section III - Administration - Number of Children to be Cared.

A family day care home shall provide care for no more than 5 children, exclusive of family day care parents' own children, however.

In no instance shall care be provided to more than 5 children under 8 years of age, including family day care parents' own children.

In no instance shall care be provided to more than 2 children under the age 2 years by one adult, including family day care parents' own children.

Should there be additional adult help in the home, at no time shall care be provided to more than 4 children under the age of two, including family day care parents' own children.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1982

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

Section V - Family Day Care Parents & Household - Requirements.

Family day care parents and all members of the household shall be free from disease which may be transmissible to others and from physical conditions which would adversely affect the care of children. Prior to the initial approval of a family day care home, the following written medical reports shall be submitted by the family day care parents to the agency:

Physical examination reports on the family day care parents from a licensed physician, including a chest x-ray or tuberculin test in accordance with the Department of Health's current recommendations.

A chest x-ray or a tuberculin test on every member of the household in accordance with the Department of Health's current recommendations.

Upon request, additional reports with reference to the health of other members of the household.

Annually, chest x-ray or tuberculin test shall be required of the family day care parents and all members of the household, in accordance with the Department of Health's current recommendations. A physical examination report of any member of the household shall be furnished upon request to the Department.

513. Education

Not specified

514. Experience

Section V - Family Day Care Parents & Household - Requirements.

Family day care parents shall show evidence of being well adjusted persons, capable of understanding and caring for children.

They shall provide two references who have adequate knowledge of the family background in terms of character and ability to care for children. Additional references shall be furnished the Department upon request.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

Not specified

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

See 510. Child Caregiver Staff Qualifications

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Section IV - Care of Children - Daily Program.

There shall be a well-balanced daily program including rest period appropriate to each child's age, regular meal hours, and recreation including supervised outdoor activity.

612. Program Equipment and Materials

Not specified

613. Nap Provision

Section VI - Sanitation and Housing - Sleeping Arrangement.

No child in day care over 1 year of age shall sleep regularly in the same room with a married couple.

No child in day care over 6 years of age shall sleep in the same room with children over 6 years old of the opposite sex.

The rest period shall be adequately supervised.

No child shall sleep in a building detached from the main household.

Beds, cots or bags shall be no less than three feet apart.

Section VII - Equipment and Furnishing.

Each child shall be provided a space for his own clothing and belongings.

The following equipment shall be provided:

A bed, cot, or insulated bag for each child.

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Individual cribs for children under 2 years of age.

Clean and sanitary bedding and linen and necessary furnishings.

614. Discipline and Guidance

Section IV - Care of Children - Discipline.

There shall be no punishment or discipline which may in any way injure or harm a child physically or emotionally.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Section IV - Care of Children - Health.

The family day care parents shall require that a child in day care have a physical examination at least annually and have appropriate immunization in accordance with the Public Health Regulations of the Department of Health.

713. Immunizations

See 712. Health Assessments

714. Sanitation

Section IV - Care of Children - Clothing and Personal Supplies.

A change of clothing shall be kept for emergency.

Each child in day care shall be provided with individual towels, combs, toothbrushes, and other necessary toilet articles.

Section VI - Sanitation and Housing - Sanitation.

The home shall comply with State Laws and Public Health regulations on sanitation and housing:

The premises shall be kept in a safe and sanitary condition.

Running potable water should be available for bathing facilities and the waste shall be connected to a cesspool or sewer system.

The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to a cesspool or sewer system.

The home shall have proper facilities for the disposal of garbage and refuse.

There shall be proper facilities for washing clothes.

715. Daily Illness Screening

Section IV - Care of Children - Health.

There shall be a health inspection each day by the family day care mother of each child upon his arrival at the home for any indication of illness.

There shall be continued observation of all children throughout their stay in the family day care home so that any illnesses will be detected and appropriately handled.

716. Care of Sick Children

Section IV - Care of Children - Health.

A child who becomes ill after he is admitted to the home shall be separated from the rest of the group, but within call of an adult, until the parent can call for him.

The regulations of the Department of Health on communicable disease shall be followed where children show symptoms of communicable disease.

Specific instructions obtained from a physician for the feeding and care of children with special problems shall be written on their records and followed.

717. Medication and Special Diet Provisions

Section IV - Care of Children - Health.

Under no circumstances should a family day care mother give medication of any kind unless prescribed by a physician:

Should she accept this responsibility, the medication shall be kept in the original container bearing the prescription label which shows the date filled, physician's name, physician's directions for use, and the child's name.

Medications shall be kept out of reach of the children and returned to parents when no longer needed.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Section IV - Care of Children - Safety.

Poisons, drugs, harmful chemicals and other dangerous articles such as cleaning fluids, matches, firearms and tools shall be kept in a safe location and out of reach of children.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Section IV - Care of Children - Health.

First aid supplies shall be kept on hand.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Section IV - Care of Children - Feeding.

Family day care homes caring for children through mealtime shall provide:

Nutritious food appropriate to the age of the child.

Nutritious snacks between meals.

812. Waiver of Requirements

Not specified

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820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Section VI - Sanitation and Housing - Sanitation.

Food stored in the home shall be protected from rat and insect infestation and perishable food shall be stored under refrigeration.

Preparation of food shall be in a properly screened kitchen with adequate sink facilities.

There shall be proper facilities for washing and sanitizing eating and drinking utensils.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Section VI - Sanitation and Housing - Housing.

For day time care, there shall be a minimum of 35 square feet per child of indoor areas, excluding bathroom, kitchen, cupboard space and hallways.

For night time care, every room used for sleeping purposes shall have a minimum of 50 square feet per child of indoor area, excluding bathroom, kitchen, cupboard space and hallways.

Section VIII - Outdoor Space.

There shall be easy accessibility to adequate outdoor space. It shall be fenced or otherwise protected, safe and well drained with sunny and shady areas.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Section VI - Sanitation and Housing - Housing.

There shall be good, artificial and natural light and ventilation available for bathing and toilet facilities. Ventilation means a window that opens to the outside atmosphere or a mechanical ventilating system.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Section VI - Sanitation and Housing - Sanitation.

Where there is an adequate water supply, the home shall have sanitary water-flush toilets. In areas where an adequate water supply is not available, toilet facilities shall be in accordance with Public Health Regulations.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Section VI - Sanitation and Housing - Sanitation.

The home shall comply with State Laws and Public Health regulations on sanitation and housing.

1550. SANITATION

See 1540. HEALTH

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Idaho Department of Health and Welfare, Rules and Regulations for Implementation and Enforcement of Standards under the Child-Care Licensing Act, October, 1972.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

IDAHO CODE §39-1209 Definitions.

"Day care home" means a home or place in which any child or children not related by blood or marriage to the person or persons operating such home are regularly received and cared for during any part of the twenty-four (24) hour day.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - Physical Care of Child.

Homes licensed for day care of children may not accept convalescent or maternity patients. Homes used for the care of aged persons are not to be used for the care of children, except where the aged persons, by virtue of their relationship or long-standing friendship, are considered a part of the family group.

The day care mother may not be employed outside her home.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Standard 1 - Require Evidence of Income and Resources Sufficient to Maintain the Home and the Services Offered.

The day care family shall have sufficient regular income to maintain the family home so far as essential needs are concerned without the payment made for the care of the child.

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

Standard 2 - Require Such Record Keeping and Reporting as May Be Deemed Necessary.

A permanent record shall be kept for each child to identify him, to enable the day care parent to communicate with the parents either in their home or at their place of employment, and, in an emergency, with the physician designated by them.

The record shall include the child's full name; month, day and year of birth; full names and address of parents, guardian or agency which placed him; the date accepted for care; and the date the child left the day care home.

These records shall be complete and current at all times and shall be made available at any time for inspection by a representative of the Department.

The licensee shall provide to the Department at the end of each six months a complete record of the children given care during that period of time. A register for this purpose is available from the Department.

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - Physical Care of Child.

The day care mother must have current information as to where and how the parent or guardian may be reached in the event of illness or accident requiring immediate attention. There shall be provision for medical attention in the event of emergency. The day care mother shall have the name and address of the physician to be called in an emergency. Materials shall be in the home for rendering emergency first aid.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Number of Children.

In order that the child may receive, in a family setting, the individual care necessary to his growth, development and adjustment, the number of children under care at one time shall be limited to not more than six children, including those of the day care mother. Of the total of six, not more than four shall be day care children. Not more than two children under two years of age, including those of the day care mother, shall be under the supervision of one adult. (In the event that there are two competent adults giving care to the children, two additional infants may be given care, but no more than four infants may be given care, including those of the day care mother, at the same time.)

422. Methods of Computing Group Size

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Number of Children.

The maximum number and the age group cared for shall be determined by the accommodations of the home, by the experience and skill of the day care mother in providing care for children, and by the time devoted to such work by her and other adults in the household.

Teen-age children of the day care mother need not be included in the total of six, provided that adequate care and individual attention can be given to all of the children without overburdening the mother.

Age and sex of the children for whom the home is equipped to care will be determined by consideration of the environmental factors affecting the safety and welfare of the children.

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Standard 4 - Require That Day Care Parents Be Physically and Emotionally Suited to Care for Unrelated Children and to Deal with Problems Presented by Children Away from Their Homes and Own Parents.

The day care mother shall be of suitable age and temperament to care for children. She must be capable of handling an emergency situation promptly and intelligently.

512. Health

Standard 4 - Require That Day Care Parents Be Physically and Emotionally Suited to Care for Unrelated Children and to Deal with Problems Presented by Children Away from Their Homes and Own Parents.

All members of the household must be in such physical and mental health as will not affect adversely either the health of the child or the quality and manner of his care. The household shall not include persons whose presence is inimical to the welfare of the children. A report of good health from a regularly-licensed physician may be required if this seems necessary or advisable.

513. Education

Not specified

514. Experience

Standard 4 - Require That Day Care Parents Be Physically and Emotionally Suited to Care for Unrelated Children and to Deal with Problems Presented by Children Away from Their Homes and Own Parents.

Day care parents must have understanding of the problems of childhood and sympathy for them.

Relationships among members of the family shall be such as to ensure a good atmosphere for the child.

The day care mother must be willing to cooperate fully with the child's own parents, because the success of this type of care depends largely on the cooperation between the parent and the day care mother. It is important that they exchange information about the child and plan together so that all of his needs may be met so far as possible and that there may be continuity and consistency in the care of the child.

Day care parents shall be persons of good character and habits. Three satisfactory references shall be required, including that of the family physician.

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - Physical Care of Child.

There shall be planned daily routine to ensure the development of good health habits, adequate indoor and outdoor play, rest, and sleep.

612. Program Equipment and Materials

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Home and Its Environs.

An adequate supply of safe and constructive play material and equipment suitable to the ages of the children shall be available for both indoor and outdoor activities. (Since play is one of the most important parts of a young child's day, an assortment of play materials and equipment should be provided.

Emphasis should be placed on materials which will stimulate activity on the part of the child rather than on mechanical toys which will suggest purely routine use. For preschool children, sandboxes, boards and blocks which they can use for building purposes will be found useful for out-of-doors. Crayons, pencils, spools, blunt scissors, scratch papers, scrapbooks, and building blocks are useful for indoor play.)

613. Nap Provision

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Home and Its Environs.

Each room used for rest periods shall provide an opportunity for undisturbed rest. Individual beds or cots shall be provided for infants and young children who require rest periods. Beds for infants shall have sidewalls or other protection.

614. Discipline and Guidance

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - Physical Care of Child.

Discipline shall meet the needs of each child and shall be humane.

Authority to punish shall not be delegated to older children.

No child shall be placed alone in a room, put to bed for punishment or deprived of meals for punishment.

No child shall be subject to cruel, severe, unusual or unnecessary punishment inflicted upon the body or to verbal abuse, threats, or derogatory remarks about the child or his family.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Home and Its Environs.

The home shall be in a residential or rural district (not commercial or factory) to avoid hazards to the safety of children.

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Home and Its Environs.

The water supply in homes where water is obtained from a source other than a city water system shall be approved by the District Health sanitarian if this seems advisable.

The house and premises shall be kept clean and sanitary.

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - Physical Care of Child.

Individual towels and toilet articles shall be provided and provision made for keeping them separate.

715. Daily Illness Screening

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - Physical Care of Child.

There shall be daily inspection of each child by the day care mother as the child enters the home and before he has mingled with the other children. If there are indications of illness, cold symptoms, or skin disease, the child shall not be accepted for care.

716. Care of Sick Children

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - Physical Care of Child.

Any child later showing signs of illness must be isolated promptly from the other children until arrangements can be made for his care.

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - Physical Care of Child.

The diet shall be well balanced and adequate to meet the nutritional needs of children and shall be served at regular hours.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Home and Its Environs.

There must be adequate provision for the proper care and protection of food.

If the milk used is from the foster parents' cows, there must be continued assurance that the milk is handled in a sanitary way and that the cows are free from tuberculosis and Bangs disease. If milk is purchased, it shall be pastuerized or shall come from a licensed raw milk dairy.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - Physical Care of Child.

In providing care for infants, it is important that time be allowed for the individual attention to each infant and that they be held during feeding time, and that a period of time each day be directed toward talking to the infant. Infants must be allowed a time for crawling in an area protected from drafts and free from dangers such as splinters, floor furnances, stairs, etc. No infant shall be left alone in the crib when awake unless there is adult supervision within visual range, and there are adequate toys and materials provided for his learning experience. At no time shall the infant be left in the crib while awake longer than one-half hour.

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1120. HEALTH AND SAFETY REQUIREMENTS

See 1110. PROGRAM OF ACTIVITIES

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Home and Its Environs.

The home must have sufficient room to accommodate children in a comfortable, safe and sanitary way and have sufficient space and suitable

facilities for indoor and outdoor play. For toddlers, an enclosed yard is preferable; if not enclosed, supervision to provide adequate protection at all times must be given. Adequate fencing of a yard adjacent to an irrigation ditch of sufficient width and depth to constitute a hazard will be required if any child under the age of four is to receive care. Adequate fencing of play space will be required if there is any other hazard to safety from which a child must be protected. (A home shall be considered overcrowded when there is less than thirty-five square feet of floor space available for play space for each child. Halls, bathrooms, isolation room and kitchen shall be excluded in determining the amount of floor space. Outdoors, a minimum of seventy-five square feet for each child under the age of six and a minimum of one hundred square feet for each child six and a minimum of one hundred square feet for each child six years of age or over shall be available for play space.)

Basement rooms shall not be used for the care of children or as play rooms unless they are dry, adequately heated, lighted, ventilated, have adequate floor covering, are free from fire hazards, and have adequate exits.

Provision shall be made for isolation of a child in the event of illness.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Home and Its Environs.

Windows shall be properly screened and the house adequately ventilated and lighted.

The home must be adequately heated. Fireplaces and openfaced heaters must be protected by screens, and there must be no other fire hazards. Where space heaters are used, proper protection shall be offered to avoid hazards to the children in care.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Standard 3 - Assure the Safety and Adequate Physical Care of Children Under Care - The Home and Its Environs.

There must be adequate toilet facilities. Toilets shall be kept in proper repair and in good sanitary condition. The Department will request inspection of outdoor toilet facilities by a District Health sanitarian if this seems advisable.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except as otherwise noted, all citations are from the Illinois Department of Children and Family Services, Regulation 5.09, Licensing Standards for Day and Night Care Homes, September, 1976.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

ILL. REV. STAT. Ch. 23 §2.18.

"Day care homes" means family homes which receive not more than 8 children for care during the day. The maximum of 8 children includes the family's natural or adopted children under age 16 and those children who are in the home under full-time care.

"Night-time home" means a family home which receives no more than 8 children, including the family's own children under age 18, for night-time care.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE221. Application and Issuance

1. Application For A License Shall Be Filed With The Department.

Compliance Requirements:

Application shall be made on forms provided by the Department.

Applicants must be at least 18 years of age.

Separate applications shall be filed for a day-care license and/or a night-time license.

The application shall be signed by the persons proposing to provide the service.

4. A License Shall Be Issued When All Rules And Regulations Pertaining To The Standards Herein Have Been Met.

Compliance Requirements:

The license shall be valid for two years.

The license shall be on display in the home.

The license shall not be transferred to another person, nor shall it be valid for an address other than the one on the license issued.

The number of children specified on the license shall be the maximum number of unrelated children under care in the home at any one time.

The age limits specified on the license shall be observed.

Child care may be provided only in area or areas specified on license.

12. Authorized Representatives Shall Be Admitted To The Facility At Any Reasonable Time For The Purpose Of Investigation.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

5. A New Application Shall Be Filed When There Is A Change In The Information On A Valid License.

Compliance Requirements:

Reapplication is the process by which a license is obtained when there is a change of the specifications on the existing license.

Reapplication shall be made when it effects any one of the following items on the license document.

Name

Address

Ages of Children
License Capacity
Area Used For Children
Responsible person(s)

6. Application For The Renewal Of A License Shall Be Made To The Department.

Compliance Requirement:

Application for renewal shall be made at least three months prior to license expiration, on forms provided by the Department.

7. When Reinstatement Is Sought, A New Application Shall Be Filed.

Compliance Requirements:

Reinstatement is the process by which a license is issued to a person if a license or a permit has been revoked or denied by the Department or is voluntarily surrendered or withdrawn by a person.

No person whose license or permit has been revoked or denied issuance by the Department shall seek reinstatement within six months.

Reinstatement may be sought at any time if a license or permit or application has been voluntarily surrendered or withdrawn by the applicant.

225. Conditional/Provisional Licenses

2. A Newly Established Home May Be Issued A Permit.

Compliance Requirements:

A permit is a legal authority to operate for a period not to exceed two months during which time specified minimum standards must be met.

The following shall be met prior to issuance of a permit:

Application for license must be filed.

Home must reasonably meet standards.

Names of character references provided.

Written plan for compliance with all standards within a period not to exceed 2 months.

All required medical exams.

Water test results, if private supply is used.

All other standards not met at time of initial investigation.

3. After A Permit Has Been Issued, The Home Shall Operate Within The Conditions of Issuance.

Compliance Requirements:

The permit shall be for a probationary period of two months and shall not be renewable.

The permit shall be on display in the home.

No permit is transferable.

The number of children specified on the permit shall be the maximum allowed in the home at any one time.

The age limits of the children specified on the permit shall be observed.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

12. Authorized Representatives Shall Be Admitted To The Facility At Any Reasonable Time For The Purpose Of Investigation.

232. Denial, Suspension, Revocation of a License

8. The Department May Revoke Or Refuse To Renew The License Of Any Child-Care Facility Or Refuse To Issue Full License To The Holder Of A Permit.

Compliance Requirements:

Revocation or refusal to renew may occur if the holder of a License or Permit:
Consistently fails to maintain standards prescribed and published by the Department.

Substantially violates any of the provisions of the license issued.

Furnishes or makes any misleading or any false statements or reports to the Department.

Refuses to submit to the Department any reports or refuses to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes.

Fails or refuses to submit to an investigation by the Department.

Fails or refuses to admit authorized representatives of the Department at any reasonable time for the purpose of investigation.

Fails to provide, maintain, equip, and keep in safe and sanitary conditions premises established or used for child care as required under standards prescribed by the Department.

Refuses to display its license or permit.

Fails to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, provisions for personal care, education, and other essentials in the proper care, rearing, and training of children.

9. When The Department Revokes Or Does Not Renew A License, The Facility Shall Close Within Ten Calendar Days.

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Not specified

312. Telephone

17. The Physical Facilities Of The Home, Both Indoors And Outdoors, Shall Meet Requirements For Safety To Children.

Compliance Requirements:

There shall be a telephone on the premises.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

14. Records As Required On Forms Supplied By The Department Shall Be On File With The Care-Giver.

Compliance Requirements:

There shall be a record of identifying information on each child received.

There shall be a signed medical report on file for each child.

The report may be based on an examination held within the past 12 months.

The report shall indicate that the child was found free of communicable diseases.

The report shall indicate that the child has been immunized as required by current State Department of Public Health regulations. The required immunizations are poliomyelitis, measles, rubella, diphtheria, pertussis, tetanus. Mumps immunizations are required at the earliest medically indicated time.

The report shall include a statement on any physical limitations.

There shall be signed consent forms from the parent or guardian including:

Permission for emergency care if the parent is not readily available.

Permission to administer medicine.

Indemnification agreements.

Permission for someone other than parent or guardian to pick up child if necessary.

Transportation provided by care-giver.

If immunization waiver is requested, a written statement signed by the parent or guardian shall be in the child's file.

Waiver may be on constitutional grounds.

Waiver may be made for children who for clinical reasons should not be subjected to immunizations.

A home admitting such a child shall assume full responsibility for doing so.

Parents of other children in the home must be notified and agree to this.

All information about the child and family shall be confidential.

34. At The Time Of Acceptance, The Care-Giver Shall Have A Copy Of All Records As Defined Under Day Care Home Records And Reports, Regulation 14.

342. Staff

15. Members Of The Household In Contact With The Children Under Care Shall Have A Complete Physical Examination.

Compliance Requirements:

The medical report shall be submitted on the forms provided by the Department.

The report may be based on an examination within 12 months prior to application.

A tuberculin skin test shall be included in the initial examination, not to be required in subsequent examinations unless indicated by the Department. If the skin test is positive, a chest X-ray is required.

A tuberculin test for an infant shall be given at the discretion of the physician.

The care-giver shall be found free of communicable diseases and shall be physically and emotionally fit in caring for young children.

Medical reexamination of care-givers and assistants will be required at the time of licensing renewal. At other times, examination may be required at the discretion of the physician or the Department.

343. Child Eligibility and Enrollment Requirements

33. Prior To Acceptance Of A Child For Care, The Care-Giver Shall Require That The Parent Or Guardian Accompany The Child To The Home To Become Acquainted With The Care-Giver And With The Services To Be Provided.

35. The Care-Giver Shall Have Sufficient Information About The Child So That The Parent And Care-Giver Can Make Suitable Plans For The Child's Stay In The Day-Care Home.

344. Child Abuse Reporting

16. Suspected Child Abuse, And/Or Neglect, Shall Be Reported To The Department Immediately.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

29. Assistants and Substitutes Must Be Of Suitable Ages.

A related child acting as an assistant shall not be counted for licensing purposes when determining the number of children that the home can be licensed for.

36. The Maximum Number Of Children Permitted In A Day-Care Home Shall Be 8 Under The Age Of 16, Including Own And Unrelated Children.

Compliance Requirements:

A care-giver alone may care for up to 4 children under 5 years of age, and 4 over 5 years of age. No more than 2 children shall be under 2 years of age. Examples of acceptable age distribution patterns are given in the following chart.

Under 2 Years	2-5 Years	Over 5 Years	Total 8
0	4	4	8
0	3	5	8
0	2	6	8
0	1	7	8
1	3	4	8
1	2	5	8
2	2	4	8
2	1	5	8

An assistant is required for more than 4 children under 5 years of age. With one assistant employed, no more than 3 children shall be under 2 years of age.

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FAMILY DAY CARE HOMES

ILLINOIS

Under 2 Years	2-5 Years	Over 5 Years	Total 8
0	5	3	8
0	6	2	8
0	7	1	8
0	8	0	8
1	4	3	8
1	5	2	8
1	6	1	8
1	7	0	8
2	3	3	8
2	4	2	8
2	5	1	8
2	6	0	8
3	2	3	8
3	3	2	8
3	4	1	8
3	5	0	8

The following exception is permitted: 6 children, 3 through 5 years of age may be cared for with no assistant required. No more than 3 of the 6 shall be under 4 years of age. In this situation, the additional 2 children to reach maximum capacity shall be 9 years of age or older.

Under 3 Years	Under 4 Years	4-5 Years	Over 9 Years	Total 8
0	3	3	2	8
0	2	4	2	8
0	1	5	2	8
0	0	6	2	8

412. Methods of Computing Staff/Child RatiosSee 411. Staff/Child Ratios as of March 1981420. GROUP SIZE421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

29. Assistants and Substitutes Must Be Of Suitable Ages.

The person assisting the care-giver shall be at least 16 years of age, except that the person may be 14 years of age when school is not in session.

When the assistant is under 16 years of age, the substitute primary care-giver shall be at least 18 years of age.

512. Health

32. Members Of The Household And Assistants In Contact With The Children Under Care Shall Have A Physical Examination. (See Day Care Home Records And Reports, Regulation 15.)

513. Education

Not specified

514. Experience

26. Relationships Within The Family Shall Insure A Wholesome Atmosphere For Children.

Compliance Requirements:

Adult family members residing at the home and in contact with the children under care shall approve of the service being provided.

These adult family members shall be stable, responsible, mature individuals of reputable characters, who can exercise good judgement in caring for children.

30. The Child-Care Assistant Shall Be Compatible With The Care-Giver, Capable Of Following Directions, And Responsive To Supervision.
31. The Child-Care Assistant Shall Be Able To Relate Well With Children.

Compliance Requirements:

The assistant shall be warm and friendly.

The assistant must genuinely enjoy physical and verbal interaction with young children.

The assistant shall be willing to help and maintain a safe, clean, and orderly environment while providing ample opportunity for children to explore, manipulate, and play.

The assistant shall exhibit maturity, emotional stability, patience, and humor.

The assistant shall respect the children and families served.

520. PROGRAM DIRECTOR QUALIFICATIONS521. AgeSee 511. Age522. HealthSee 512. Health523. Education

Not specified

524. Experience

27. The Care-Giver Must Be An Individual Who Demonstrates An Ability To Effectively Insure The Total Welfare Of A Child.

Compliance Requirements:

The care-giver shall exhibit warmth, maturity, emotional balance, patience, humor, and personal responsibility.

The care-giver shall respect the children and families served.

Specific areas of competence shall include:

Knowledge of basic hygiene, safety, and nutrition.

The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals.

The ability to communicate with children. This includes the ability not only to talk comfortably with children, but also to hold and touch them comfortably.

The ability to set realistic controls for children and to enforce these without harshness or physical abuse.

Knowledge of the child's need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

43. The Care-Giver Shall Discuss With Parents The Characteristics Of The Child.

Compliance Requirements:

The care-giver and parent shall discuss the child's habits activities, and schedules to insure consistency in planning for the child.

The parent and care-giver shall share concerns about the child's health, development, and behavior.

44. The Basic Program Shall Be Well-Balanced And Provide Developmental Activities Geared To The Needs Of The Children Served.

Compliance Requirements:

Program shall be informal, providing a family atmosphere that promotes the physical and emotional well-being of the individual.

Children shall be encouraged to participate in the household routine of preparing food, setting tables, and cleaning up, if of appropriate age.

The program shall provide regularity in routines such as, but not limited to, eating, napping, and toileting, with sufficient flexibility to respond to the needs of the individual.

A good balance of active and quiet play must be provided.

There shall be activities, both indoors and outdoors, in which children make use of both large and small muscles.

There shall be a variety of chores and activities at the child's developmental level.

Each child's individuality shall be respected and a sense of self and development of self-esteem shall be encouraged.

47. Mealtimes Shall Be Pleasurable Experiences For The Child.

Compliance Requirements:

There shall be enough time allowed for meals so the children can eat in an unhurried atmosphere.

Children shall be encouraged but not forced to try new foods.

To the extent possible, information provided by parents concerning the child's eating habits, food preferences, or special needs should be considered in planning menus.

A child's emotional response to food shall be respected, and his food preferences and eating habits shall not be permitted to become a source of friction at mealtimes.

Mealtimes should occur in a social atmosphere and afford children the close presence of an attentive adult.

- 56. No Child Shall Be Cared For Longer Than 12 Hours On Any Regular Basis.
- 64. A Schedule Shall Be Worked Out With Each Child's Parents That Complements And Supplements His Or Her Home Activities.

Compliance Requirement:

When possible, children shall be left for care and picked up before and after their normal sleeping period so that there is a minimum disturbance of the child during sleep.

- 65. Time Shall Be Allowed For Both Indoor And Outdoor Play, Meals, Bathing, And Sleep.
- 66. Evening Activities Shall Be Primarily Self-Selected By The Child.

Compliance Requirement:

Selection shall be from activities such as but not limited to outdoor play, reading, lounging, study, table games, group games, conversation, listening to music, watching television, and art.

612. Program Equipment and Materials

40. Personal Hygiene Standards Shall Be Observed In Each Home.

Compliance Requirements:

Each child shall be provided with an individual towel and washcloth.

The care-giver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.

45. The Materials And Equipment And Their Arrangements And Use Must Be Appropriate To The Developmental Needs Of The Child In Care.

Compliance Requirements:

Simple play equipment, suitable to the age and developmental needs of the child, shall be available for use indoors and outdoors.

Materials and Toys shall be kept clean, orderly, attractive, and accessible to the children.

There shall be stimulating play materials; these may include household items used creatively.

Materials and equipment must be of sufficient quantity to provide for a variety of experiences and to appeal to the individual interest of the child under care.

613. Nap Provision

40. Personal Hygiene Standards Shall Be Observed In Each Home.

Compliance Requirements:

A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding shall be provided for each child. A twin-size bed may be used, for 2 children, provided each child shall have individual sheets.

The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable to the season.

Family beds may be used for children in care if separate linens are used.

Rubber sheets shall be used when necessary.

60. Bed, Crib, Or Cot And Individual Linen And Bedding Shall Be Provided For Each Child Except As Herein Provided:

Compliance Requirements:

A double bed shall be the minimum size for two sleeping children.

Rubber sheets or suitable substitutes shall be supplied when necessary.

If a crib is used there shall be no more than one and one-half inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.

614. Discipline and Guidance

41. The Care-Giver Shall Use Disciplinary Measures Designed And Carried Out In Such A Way As To Help Individual Children Develop Self-Control And Assume Responsibility For Their Own Acts.

Compliance Requirements:

The care-giver shall establish simple, understandable rules so that expectations and limitations are clear to the child.

Discipline shall not be out of proportion to the particular inappropriate behavior, as for example, scolding children for honest mistakes such as spills, and accidents caused by lack of coordination.

Discipline shall relate to the child's act, and be handled without prolonged delay on the part of the adult involved so the child is aware of the relationship between acts and consequences.

Removal from the other children as a means of helping a child gain control shall be for short periods of time only.

42. Under No Circumstances Shall Any Child Be Subjected To Extreme Punishment.

Compliance Requirements:

No child can be subjected to physical punishment, nor can shaming, frightening, or humiliating methods be used.

There can be no verbal abuse, threats, or derogatory remarks about the child or the child's family.

Depriving a child of meals or any part of meals shall never be used as punishment.

No child shall be punished for toilet accidents.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 34l. Children

713. Immunizations

See 34l. Children

714. Sanitation

19. A Safe And Sanitary Water Supply Shall Be Maintained.

Compliance Requirements:

If a private water supply is used instead of an approved public water supply the applicant shall supply written records of current test results. New test results must be provided prior to relicensing. If nitrate content is high, bottled or city water must be used for infants.

20. Insect And Rodent Control Shall Be Maintained.

Compliance Requirements:

All outside doors, operable windows, and other openings shall be adequately screened during seasons requiring insect control. Doors with operable self-closing devices do not have to be screened.

22. Indoor Space Shall Consist Of A Clean, Comfortable Environment For Children.

Compliance Requirements:

The dwelling shall be kept clean, sanitary, and in good repair.

Windows, if opened, shall be screened.

40. Personal Hygiene Standards Shall Be Observed In Each Home.

Compliance Requirements:

Hands shall be washed and dried before meals.

Hands shall be washed and dried after toileting.

Sheets shall be changed when soiled and at least weekly.

57. The Child Shall Be Bathed, If Needed.
58. No Child Under 5 Years Of Age Is To Be Left Alone While In The Bathtub.
59. Each Child Must Have Individual Sleeping Garments That Are Clean and Comfortable.
61. A Child Who Goes To School From A Night-Care Facility Shall Be Clean And Properly Dressed According To The Weather.
62. Each Child Shall Have Individual Toilet Articles Such As Comb, Toothbrush, Towel, and Washcloth.

63. Health-Care Routines Shall Be Observed And Shall Include:

Brushing teeth at bedtime and/or upon rising.

Brushing the hair upon rising.

Establishing a routine for toileting at bedtime and upon rising.

715. Daily Illness Screening

37. Each Child Shall Be Inspected Daily, Upon Arrival, For Symptoms Of Illness.

Compliance Requirement:

If such are present, the care-giver shall use discretion as to whether or not care can be provided a sick child, depending upon the degree of illness, other children present, and facilities available for care.

716. Care of Sick Children

22. Indoor Space Shall Consist Of A Clean, Comfortable Environment For Children.

Compliance Requirements:

There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.

717. Medication and Special Diet Provisions

38. Special Necessary Medications Shall Be Administered According To Specific Instructions.

Compliance Requirements:

Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.

Patent medicines may be administered by care-giver if specific written instructions for administration by the parent are on file.

There shall be a signed statement by the child's parent or guardian giving permission to the care-giver to administer medicine to the child.

The care-giver shall maintain a record of the dates and hours in which dosages were given.

Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases and indemnification agreements from parents.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

17. The Physical Facilities Of The Home, Both Indoors And Outdoors, Shall Meet Requirements For Safety To Children.

Compliance Requirements:

The kitchen shall be equipped with a fire extinguisher.

Electric outlets that are within reach of children shall have protective coverings. There shall be no exposed or uninsulated wiring.

Space heaters in areas occupied by children shall be separated by partitions or barriers to prevent contact.

All walls and surfaces shall be free from chipped and peeling paint.

Walls of rooms that children use shall be maintained free of lead paint.

Furniture and equipment shall be kept in safe repair.

First-aid supplies, medication, cleaning materials, poisons, and other hazardous materials shall be stored in places inaccessible to children.

Dangerous tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to children.

Ammunition must be kept in a locked container, and guns and other weapons shall be inaccessible to children.

Exit doors shall be kept clear of equipment and debris at all times.

20. Insect And Rodent Control Shall Be Maintained.

Compliance Requirements:

Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present.

21. Small, Healthy, Animals May Be Permitted.

Compliance Requirements:

A licensed veterinarian shall certify that the animals have been inoculated, when required, or are otherwise free of diseases that could endanger the children's health.

If certification is not available, animals shall be confined in an area not accessible to children.

There shall be careful supervision of children who are permitted to handle and care for the animals.

Immediate treatment for any child who sustains a bite or scratch or other injury from such source shall be available.

Turtles are prohibited.

23. There Shall Be Safe Outdoor Space For Active Play.

Compliance Requirements:

Space shall be protected by physical means or by adult supervision against such hazards as pools, traffic, and construction.

Play areas shall be well drained, and safely maintained.

If public parks or playgrounds are used for play, the children shall be closely supervised during play and while traveling to and from the area.

722. Fire Safety Requirements

17. The Physical Facilities Of The Home, Both Indoors And Outdoors, Shall Meet Requirements For Safety To Children.

Compliance Requirements:

The kitchen shall be equipped with a fire extinguisher.

Electric outlets that are within reach of children shall have protective coverings. There shall be no exposed or uninsulated wiring.

Space heaters in areas occupied by children shall be separated by partitions or barriers to prevent contact.

There shall be plans for evacuation, in case of emergency, such as fire, etc.

723. Transportation

48. When Transporting Children, The Same Child/Adult Ratio Shall Apply, As Is Required In The Home, For The Ages And Numbers Of Children Being Served.

Compliance Requirements:

A suitable infant restraint or seat shall be available for each child and shall be used whenever the vehicle is in motion.

Children shall be instructed in safe transportation conduct appropriate for their age and stage of development.

While transporting the children, the driver shall be responsible for seeing that:

Each child shall board or leave the vehicle from the curb side of the street, and shall be safely conducted to the home or facility.

A responsible person shall receive the child when delivered to the home or the facility.

No child shall be left unattended in a vehicle.

All seats shall be forward-facing.

Unattached children's seats are not allowed.

Rear seats in automobiles, station wagons and carryalls shall have an unobstructed passageway for entrance and exit at all times.

49. The Care-Giver Shall Comply With State And Local Laws Pertaining To Vehicles.

Compliance Requirements:

The vehicle shall be in compliance with all relevant state statutes and local vehicle safety ordinances.

Evidence of compliance regarding vehicle liability and medical insurance shall be on file with the home records.

The vehicle shall be equipped with:

Safety-locking devices on doors.

A spare tire, ready for service, and usable jack.

Individual seat belts for each passenger and driver.

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

17. The Physical Facilities Of The Home, Both Indoors And Outdoors, Shall Meet Requirements For Safety To Children.

Compliance Requirements:

There shall be plans for evacuation, in case of emergency, such as fire, etc.

39. There Shall Be An Emergency Plan For Each Child In Case Of Accident Or Sudden Illness.

Compliance Requirements:

The care-giver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.

There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.

When the care-giver accompanies a child to the source of emergency care, there must be a qualified adult to assume supervision of other children in the home.

In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately, and the child shall be removed from the home as soon as possible.

727. First Aid Supplies

17. The Physical Facilities Of The Home, Both Indoors And Outdoors, Shall Meet Requirements For Safety To Children.

Compliance Requirements:

The home shall be equipped with first-aid supplies.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

46. Meals And Snacks Shall Be Provided In A Quantity To Meet The Daily Nutritional Needs of the Child.

Compliance Requirements:

A child of 1 to 6 years requires 1300-1800 calories daily. Food requirements for children between birth and the age of eating table food shall be geared to the individual needs of the child and determined by consultation of parents with a physician. The facility shall provide one-third to two-thirds of the daily calories depending on the length of time of the child's stay. This shall be divided as follows:

Milk: 6 ounces of Grade A pasteurized fortified milk.

Protein: Source (main dish) - two ounces of edible portion of meat, fish, or chicken). Other protein sources such as eggs, cheese, or dried peas or beans may be used twice a week. Peanut butter may not be used as the only source of protein. A casserole or mixed dish may be served, but it must contain 2 ounces of protein food per child or additional protein sources are to be added to the meal to meet above requirements.

Vegetables: 2 servings per child (2-4 tbsps.). These may be cooked or raw. Vegetables rich in Vitamin A shall be served three times a week. Potatoes should be used at least twice a week. Enriched rice, macaroni, or noodles may be substituted for potatoes occasionally.

Bread: A serving of one or more slices of enriched or whole grain bread. An equivalent serving of cornbread, biscuits, rolls, or muffins made of enriched or whole-grain meal or flour may be substituted.

Butter and/or Fortified margarine: One-half tsp. of butter or fortified margarine daily. This may be used as spread for bread or in food preparation.

Fruit: A serving (one-fourth to one-half cup) of cooked or raw fruit or fruit juice (citrus-fortified juice containing 30 mg. of Vitamin C per serving).

Daily food requirements shall be determined according to the length of stay in the home.

Children in attendance for more than two but less than five hours per day shall be served a mid-session snack consisting of one-half cup of a pure fruit juice or properly processed canned or frozen fruit juice with high citric content, or one to one-half cup of pasteurized milk, or one serving of fruit with high citric content. Enriched soda or graham crackers, raw vegetable sticks, toast sticks, or cheese cubes with juice or milk are optional.

Children in attendance five to ten hours shall be served at least one-third of their daily food requirements, which shall include a well-balanced, nutritive meal. Occasional picnic-type meals may be substituted for a main meal. Mid-morning and mid-afternoon snacks consisting of fruit, fruit juice, or pasteurized milk (as prescribed under Regulation 46 B-1 above) shall be included. Children in attendance over ten hours shall be served food to provide at least two-thirds of their daily food requirements. Two meals and the supplemental snacks will meet this requirement. One of the meals may be breakfast or supper, depending on the time the child arrives or departs.

Children shall be served small bite-size pieces with second helpings always available. Variations in size of serving allow for adaptation to the age and needs of each child, small and big appetites, etc.

All meals shall be suitable for children and prepared by methods designed to conserve nutritive value, flavor, and appearance.

Drinking water shall be readily available to the child at all times.

67. The Home Shall Serve Meals And Snacks That Supplement Food Served At Home.

Compliance Requirements:

This is to be determined by consulting with the parents.

An evening meal that meets nutritional requirements shall be served at a regular time each evening and shall be available to children who may arrive without having first eaten. (See Regulation 46.)

A bedtime snack shall be served, unless counter indicated by parents or physician. (See Regulation 46.)

Children who remain overnight and go to school from the night-care home shall have breakfast, including juice or fruit, (see Regulation 46) unless they are regularly receiving breakfast at school.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

17. The Physical Facilities Of The Home, Both Indoors And Outdoors, Shall Meet Requirements For Safety To Children.

Compliance Requirements:

18. The Kitchen Shall Be Clean And Equipped For Preservation, Storage, Preparation, And Serving Of Food.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

68. Infants And Toddlers Shall Be Provided A Daily Program That Is Designed To Meet Their Developmental Needs.

Compliance Requirements:

The care-giver shall demonstrate warm, positive feelings toward each infant through actions such as hugging, patting, smiling, and cuddling.

Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the routine at their home.

Infants who are awake shall be moved to different positions and shall be held, rocked, and carried about.

The care-giver shall frequently change the place, position, and toys available for infants who cannot move about the room.

Consistent toilet training shall be undertaken at a time mutually agreed upon by parent and care-giver in accordance with the child's age and/or stage of development.

Infants shall be talked to: Cooing and babbling games can be played as beginning conversation.

Children shall be taken outdoors for a portion of every day, when weather permits. Exception to this is provided if child is ill or indicated otherwise by parent or physician.

72. The Materials Must Be Appropriate To The Developmental Needs Of The Child In Care.

Compliance Requirements:

Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.

Any baby shall be able to watch the movement and color of a bright toy hung across the crib, or a mobile.

There shall be a variety of toys, art materials, and finger foods for infants and toddlers to grasp, pick up, and manipulate.

Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.

1120. HEALTH AND SAFETY REQUIREMENTS

70. Proper Standards Of Hygiene Shall Be Observed In Each Home.

Compliance Requirements:

Hands shall be washed and dried before the feeding of each child.

If the child's formula is brought in by the parent at the beginning of each day, it shall be placed in the refrigerator and identified.

All opened food shall be used within 24 hours.

If food is fed to infants from jars, the leftovers shall be labeled with the infant's name and refrigerated immediately.

A toilet shall be easily accessible so that the contents of diapers may be disposed of before placing diapers in the diaper pail.

Persons changing diapers shall wash hands under running water with soap after each change of diaper.

The child whose diapers are being changed is to be washed on his hands and anal area if there has been defecation or if irritation is present.

A toilet seat or potty shall be cleaned routinely after every use.

Sheets shall be changed when soiled, and all sheets shall be changed routinely two times per week.

All beds shall be wiped clean as often as necessary.

All utensils shall be washed after each use.

Toys and equipment shall be kept clean.

71. The Equipment Must Be Appropriate To The Developmental Needs Of The Child In Care.

Compliance Requirements:

Safe, sturdy, well-constructed individual cots, cribs, playpens, or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of waterproof materials that can be washed.

Sleeping equipment for infants must have protection to prevent falls.

There shall be no more than one and one-half inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.

Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.

Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.

A toilet seat or potty shall be provided.

1130. INFANT NUTRITION

69. Feeding Schedules And Procedures Shall Meet The Development Needs Of The Children.

Compliance Requirements:

Flexible feeding schedules of infants shall be established to coordinate with parents' schedules at home and to allow for nursing infants.

Infants who cannot yet turn over alone shall be placed on their abdomens after feeding unless counter indicated by a physician.

Infants shall be held or placed in a chair for feeding. Bottles shall not be propped. When infants are old enough to hold their own bottles, they may feed themselves without being held.

Infants should be allowed and encouraged to feed themselves when they indicate a readiness to do so.

Safe finger foods shall be provided: Foods that dissolve or become pulpy in the mouth are appropriate finger foods.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

51. There Shall Be Suitable Space And Equipment So That The Child Can Be As Safe And Independent As Possible.

Compliance Requirements:

Areas of the home shall be adapted as necessary if special devices are required to function independently.

Space needs shall be determined by considering such factors as age and size of the child, activity recommendation, and ambulation problems.

1230. STAFFING

50. The Care-Giver Must Evidence Interest In And Be Competent To Serve The Child With Special Needs.

Compliance Requirements:

There shall be written evidence on file that resource persons with appropriate expertise have been consulted and their recommendations followed.

Children identified as having special needs shall have activities relating to those needs that are planned with parents and/or consultants.

52. Children Who Have Special Needs Due To Physical, Mental, And/Or Emotional Disabilities Shall Be Considered In The Licensed Capacity At The Age Level At Which They Function.

Compliance Requirement:

The age level at which the child functions for purposes of determining child/staff ratios shall be determined by the Department in consultation with appropriate resource personnel.

1300. SCHOOL AGE CHILDREN**1310. PROGRAM OF ACTIVITIES**

53. Program And Activities Shall Be Provided That Meet The Developmental Needs Of School-Age Children.

Compliance Requirements:

Outdoor and indoor activities shall be provided.

Children who have been in school all day shall have time set aside for relaxation and recreation.

There shall be opportunity for study in a quiet area.

Children shall be able to participate in after-school activities sponsored by the school.

Age-appropriate materials shall be provided. These include, but are not limited to: puzzles, games, books, art supplies.

54. Nutritional Needs Shall Be Fulfilled.

Compliance Requirements:

A snack shall be served when children arrive at the home after school.
(See Regulation 46.)

Children who come home from school for a lunch program shall be served a nutritionally balanced meal. (See Regulation 46.)

1320. HEALTH AND SAFETY REQUIREMENTS

55. Areas Of Responsibility Shall Be Clearly Established Between Parent, School, And Care-Giver And Agreed To In Writing For:

Children leaving the day care home to go to school.

Children leaving school to go home.

Children leaving the day care home for any reason.

Children participating in after-school activities or visiting friends.

1400. FACILITY REQUIREMENTS

1410. SPACE

23. There Shall Be Safe Outdoor Space For Active Play.

Compliance Requirements:

Space shall be provided in backyard or nearby parks or playgrounds.

24. Operation Of Other Business On The Premises Must Not Interfere With The Care Of Children.
25. A Day-Care Family Home May Not House Bedridden, Or Chronically Ill Persons Except By Permission Of The Department.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

22. Indoor Space Shall Consist Of A Clean, Comfortable Environment For Children.

Compliance Requirements:

Natural or mechanical ventilation shall be provided.

1430. EXITS

17. The Physical Facilities Of The Home, Both Indoors And Outdoors, Shall Meet Requirements For Safety To Children.

Compliance Requirements:

Where the basement area may be utilized for child care, at least one exit shall be provided directly to the outside at grade level. An operable window may be considered one means of exit, if large enough and accessible enough to accommodate an adult.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

275

FAMILY DAY CARE HOMES

ILLINOIS

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Indiana Department of Public Welfare, Rules and Regulations, Title 3, Chapter 1 - Day Care Foster Homes, October 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Regulation 3-115 Boarding Homes Giving Day-Time Care to Children, Definition.

A boarding home for day-time care of children in a place of residence in which children are cared for only during the day time.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not Specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review and Sanctions

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Regulation §3-116 Foster Family - Day-Time Care.

No adult boarder or roomer shall be permitted to live in the boarding home for day-time care except with the consent of the State Department of Public Welfare.

The licensee shall report to the county department of public welfare or licensed child-placing agency or any other designated representative of the State Department of Public Welfare any change in the home condition affecting the welfare of the children, such as the number of persons living in the home, change in residence or in the use of rooms, reduction of income or employment of foster mother.

Regulation §3-121 Personal Care of the Child - Day-Time Care.

The religion of each child shall be given preference in planning for his attendance at Sunday School or Church.

312. Telephone

Not Specified

313. Proof of Operator Financial Capabilities

Regulation §3-116 Foster Family - Day-Time Care.

There shall be sufficient income and resources in the home to insure a reasonable living standard within the boarding home and proper care for children.

314. Insurance

Not Specified

320. PERSONNEL321. Publication of Personnel Policies

Not Specified

322. Constraints Against Employment

Not Specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not Specified

340. RECORDS REQUIREMENTS341. Children

Regulation §3-116 Foster Family - Day-Time Care.

Each foster mother shall be responsible for keeping a record of the names of children admitted, the time of admission, the time of release, and any other specific information required by the agency authorized by law to supervise the home.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Regulation §3-122 Staff for Day-Time Care of More Than Six Children.

When more than six children are cared for, the boarding mother shall maintain an adequate staff for the care of the number of children stated in the license

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE421. Group Size as of March, 1981

Regulation §3-123 Housing - Additional Requirements for Day-Time Care of More Than Six Children and Not More Than Ten Children.

Not more than ten children, including own children under the age of 14, may be cared for at any one time in a boarding home giving day-time care to children; provided, however, that a home which has been licensed to care for more than ten during the period July 1971 through June 1972, may be licensed for the same number of children as it was licensed during that year so long as it meets other licensing requirements.

422. Methods of Computing Group Size

Not specified.

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Not specified

512. Health

Regulation §3-116 Foster Family - Day-Time Care.

The health of all members of the foster family or other individuals living in the home shall be such that it will not be detrimental to the health and welfare of the foster children. A statement from a duly licensed physician and such other evidence of good health as may be required of the foster family by the State Department of Public Welfare shall be furnished.

513. Education

Not specified

514. Experience

Foster parents shall be mature individuals who are capable of exercising and do exercise good judgment in the handling of a child.

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

Not specified

522. HealthSee 512 Health.523. Education

Not specified

524. ExperienceSee 514 Experience530. SUPPORT STAFF QUALIFICATIONSSee 510. Child Caregiver Staff Qualifications540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Regulation §3-121 Personal Care of the Child - Day-Time Care

Foster parents shall cooperate with the parents or person in loco parentis in carrying out plans for education of each child in accordance with the ability of each child.

Regulation §3-125 Personal Care of the Child - Additional Requirements for Day-Time Care of More Than Six Children.

A program of activities which have educational values and which give children constructive group experience shall be planned for part of the day.

612. Program Equipment and Materials

Regulation §3-117 Housing - Day-Time Care.

Recreation facilities, including a sufficient supply of toys and other play equipment, shall be made available for indoor and outdoor play.

613. Nap Provision

Regulation §3-117 Housing - Day-Time Care.

There shall be accommodations for day-time naps which shall have adequate ventilation and space necessary for the health, safety and welfare of the children. Individual covering shall be provided for naps, and this shall be marked in such a way that each child uses his own covering. Fresh bed linen shall be provided weekly.

614. Discipline and Guidance

Regulation §3-121 Personal Care of the Child - Day-Time Care.

Each child shall receive the same treatment as members of the foster family.

No child shall be subjected to cruelty, neglect or exploitation.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Regulation §3-119 Health - Day Time Care.

If a person in the boarding home for day-time care should contract a communicable disease, the foster child shall not be permitted to remain there unless suitable health precautions are taken for protection of the child.

The foster parents shall cooperate with the parents or person in loco parentis in providing proper medical treatment for the foster child.

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

Regulation §3-117 Housing - Day-Time Care.

Facilities for proper bathing shall be provided.

Regulation §3-118 Sanitation - Day-Time Care.

The boarding home for day-time care of children shall conform to the sanitary laws and ordinances of the State and the city or town in which it is located. It shall be kept clean and in a fit sanitary condition. Windows and doors shall be screened as required by the climatic conditions.

The milk supply, the water supply and sewage disposal shall conform to the standards set by the State Board of Health under its rules and regulations and all laws pertaining thereto.

715. Daily Illness Screening

Regulation §3-124 Health - Additional Requirements for Day-Time Care of More Than Six Children.

Each child shall be examined when he arrives in the morning to see whether he has a cold, temperature, rash or any condition which would indicate illness. If there are such indications of illness, the child shall be isolated from the group.

716. Care of Sick Children

Regulation §3-119 Health - Day Time Care.

A child suffering from a communicable or contagious disease shall not be admitted to a home where there are other children unless plans are based on competent medical advice.

If a child should become ill during the day, the child shall be isolated from the others.

Regulation §3-124 Health Additional Requirements for Day-Time Care of More Than Six Children.

A separate room shall always be available for the isolation of a sick child.

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

Regulation §3-117 Housing - Day-Time Care.

The boarding home for day-time care of children shall not be located where unusual conditions exist that would be hazardous to the physical or moral welfare of the child.

722. Fire Safety Requirements

Regulation §3-117 Housing - Day-Time Care.

The home shall be kept free from all unnecessary fire hazards.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

Regulation §3-120 Food - Day-Time Care.

Foster parents shall show a reasonable knowledge of the principles governing the feeding of children.

Food supplied to children shall be of good quality, properly prepared, and sufficient in quantity to meet their individual needs.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Regulation §3-117 Housing - Day-Time Care.

Facilities for eating shall be adequate and suitable to the age and number of children under care.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

Not specified

235

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Regulation §3-117 Housing - Day-Time Care.

Proper facilities and opportunity shall be provided for school children to study if hours of care make it advisable.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Regulation §3-117 Housing - Day-Time Care.

There shall be adequate facilities provided for each child's wraps which shall be accessible for use by the child.

Regulation §3-123 Housing - Additional Requirements for Day-Time Care of More Than Six Children and Not More Than Ten Children.

There shall be at least thirty-five square feet of indoor play space per child exclusive of halls, bath rooms and kitchen.

There shall be an enclosed yard for outdoor play with a minimum of fifty square feet of space for each child.

Children under two shall be cared for in a different play and sleeping room from the older children

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Regulation §3-117 Housing - Day-Time Care.

The home shall be heated to provide for comfort, and the heat of all rooms used for infants shall provide at all times a temperature of at least seventy degrees Fahrenheit.

When natural light is insufficient, it shall be supplemented by artificial light properly diffused and distributed so that adequate light will be available at all times.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Regulation §3-123 Housing - Additional Requirements for Day-Time Care of More Than Six Children and Not More Than Ten Children.

There shall be at least one stool and wash bowl for each ten children.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Regulation §3-117 Housing - Day-Time Care.

Boarding homes for day-time care of children shall conform to all rules and regulations of the local police, fire and safety authorities and of the State Fire Marshal as a fire and safety protection and to all laws pertaining thereto.

1530. BUILDING

Not specified

1540. HEALTH

Regulation §3-119 Health - Day Time Care.

Boarding homes for day-time care of children shall conform to all rules and regulations of the local health authorities and the State Board of Health as to diet, medical care and sanitation and to all laws pertaining thereto.

1550. SANITATION

See 1540. HEALTH

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Iowa Department of Social Service Handbook, Chapter 109 - Child Care Centers, July, 1975.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO REGISTRATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

IOWA CODE §237A.1 Definitions.

"Child day care" means the care, supervision, or guidance of a child by a person other than the parent, guardian, relative or custodian for periods of two hours or more and less than twenty-four hours per day per child on a regular basis in a place other than the child's home.

"Family day care home" means a facility which provides child day care to less than seven children.

"Child day care facility" or "facility" means a child care center or registered family day care home.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR REGISTRATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. REGISTRATION PROCESS AND ENFORCEMENT PROCEDURES210. REGISTRATION PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. REGISTRATION PROCEDURE221. Application and Issuance

IOWA CODE §237A.3 Registration of family day care homes.

A person who operates or establishes a family day care home may apply to the department for registration under the provisions of this chapter. The department shall issue a certificate of registration upon receipt of a statement from the family day care home that the home complies with rules promulgated by the department. The registration certificate shall be posted in a conspicuous place in the family day care home, shall state the name of the registrant, the number of individuals who may be received for care at any one time and the address of the home, and shall include a check list of registration compliances. No greater number of children than is authorized by the certificate shall be kept in the family day care home at any one time. The registration process may be repeated on an annual basis. A facility which is not a family day care home by reason of the definition of child day care above, but which provides care, supervision or guidance to a child may be issued a certificate of registration under the provisions of this chapter.

770-110.1(66 GA, Ch 144) Definitions.

Registration certificate. "Registration certificate" means the written document issued by the department of social services to publicly state that the provider has certified in writing compliance with the minimum requirements of a family day care home.

770-110.2(66 GA, Ch 144) Application.

The application for registration shall be made to the department of social services on Application for Family Day Care Home Registration, SS-1105-3 provided by the department. Such forms shall be available in each local office of the department.

The family day care home shall inform the department of social services of any changes in circumstances that would affect their registration on the same form.

770-110.4(66 GA, Ch 144) Issuance of Certificate.

The department shall issue a registration certificate upon receipt from the provider of a signed statement of compliance with the requirements for registration of a family day care home.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. Registration Renewal

770-110.3(66 GA, Ch 144) Renewal.

Renewal of registration shall be completed yearly.

225. Conditional/Provisional Registration Certificate

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

IOWA CODE §237A.4 Inspection and Evaluation.

The director or a designee may periodically visit registered family day care homes for the purpose of evaluation of an inquiry into matters concerning compliance with rules promulgated under section 237A.12. Evaluation of family day care homes under this section may include consultative services provided pursuant to section 237A.6.

232. Denial, Suspension, Revocation of a License

770-110.7(66 GA, Ch 144) Denials and Revocations.

Registration shall be denied or revoked if a hazard to the safety and well-being of a child is found by the department of social services, and the provider cannot or refuses to correct the hazards, even though such hazard may not have been specifically listed under the health and safety rules.

Record shall be kept in an open file of all denials or revocations of registration and the documentation of reasons for denying or revoking the registration.

233. Remedies and Sanctions233.1 Hearings

Not specified

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

770-110.5(66 GA, Ch 144) Standards.

The provider shall meet the following requirements:

Gives careful supervision at all times.

Gives consistent, dependable care, and is capable of handling emergencies.

Is present at all times except if emergencies occur, at which time good substitute care is provided. When an absence is planned, the parents are given prior notice.

312. Telephone

770-110.5(66 GA, Ch 144) Standards.

The provider shall certify that the family day care home has a telephone with emergency numbers posted.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

IOWA CODE §237A.5 Personnel.

No staff members of a registered home with direct responsibility for child care shall have a conviction by any law of any state involving lascivious acts with a child, child neglect or child abuse.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

770-110.5(66 GA, Ch 144) Standards.

As a minimum the following records shall be kept on file:

Identifying information on each child including as a minimum the child's name, birthdate, parent's name, names of brothers and sisters, address, telephone numbers, special needs of the child, and the father's or mother's work address and telephone number.

Emergency information on each child including as a minimum where the parent or parents can be reached, the doctor's name and telephone number, and the name and telephone number of another adult available in case of emergency.

A signed medical consent from the parent or parents authorizing emergency treatment.

A physician's signed annual report on each child received for care in the home, including immunization information.

342. Staff

770-110.5(66 GA, Ch 144) Standards.

As a minimum the following records shall be kept on file:

The physician's signed statement, obtained at the time of the first registration, on all members of the provider's family that may be present when children are in the home that the provider and family are free of diseases or disabilities which would prevent good child care.

The physical report obtained by the provider at least every three years after the first report.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

770-110.5(66 GA, Ch 144) Standards.

The number of children present shall conform to the following standards:

No greater number of children shall be received for care at any one time than the number authorized on the registration certificate.

The total number of children in the home at any one time shall not exceed six. The provider's children not regularly in school full days shall be included in the total. During times when school is not in session, the provider's school-age children shall not be included in the total.

There shall never be more than four children under two years of age present at any one time.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

770-110.5(66 GA, Ch 144) Standards.

The provider shall be eighteen years of age or older and likes and understands children.

512. Health

See 342. Staff

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 342. Staff

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

770-110.5(66 GA, Ch 144) Standards.

There shall be an activity program which includes:

Active play

Quiet play

Activities for large muscle development

Activities for small muscle development

612. Program Equipment and Materials

770-110.5(66 GA, Ch 144) Standards.

There shall be an activity program which includes: Play equipment and materials in a safe condition, for both indoor and outdoor activities appropriate for the ages and number of children present.

613. Nap Provision

Not specified

301

614. Discipline and Guidance

770-110.5(66 GA, Ch 144) Standards.

No discipline shall be used which is physically or emotionally harmful to a child.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

See 341. Children and 342. Staff

712. Health Assessments

Not specified

713. Immunizations

See DAY CARE CENTERS

714. Sanitation

770-110.5(66 GA, Ch 144) Standards.

The provider shall certify that the family day care home meets the following conditions:

Annual laboratory analysis of a private water supply to show satisfactory bacteriological quality. When children under the age of two are to be cared for, such analysis shall include a nitrate analysis.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

770-110.5(66 GA, Ch 144) Standards.

The provider shall certify that the family day care home gives medications only with parent's or doctor's direct authority.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

770-110.5(66 GA, CH 144) Standards.

The provider shall certify that the family day care home meets the following conditions:

All medicines and cleaners secured from access by a child.

Electrical wiring-maintained with all accessible electrical outlets safely capped and electrical cords properly used. Improper use would include running cords under rugs, over hooks, through door openings, or other such use that has been known to be hazardous.

722. Fire Safety Requirements

770-110.5(66 GA, Ch 144) Standards.

The provider shall certify that the family day care home meets the following conditions:

Combustible materials are kept away from furnaces, stoves, or water heaters.

Regularly planned and executed fire drills.

723. Transportation

Not specified

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

770-110.5(66 GA, Ch 144) Standards.

The provider shall certify that the family day care home has a safety plan to be used in case of fire, tornado or blizzard.

727. First Aid Supplies

770-110.5(66 GA, Ch 144) Standards.

The provider shall certify that the family day care home has first-aid supplies on hand.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

770-110.5(66 GA, Ch 144) Standards.

Regular meals shall be provided which are well-balanced, nourishing, and in appropriate amounts. Mid-morning and mid-afternoon snacks shall be served which are nutritious and appealing.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

770-110.5(66 GA, Ch 144) Standards.

The provider shall frequently exchange information with the parent or parents of each child.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

305

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Not specified

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Kansas Department of Health and Environment, Regulations for Licensing - Family Day Care Homes for Children, October, 1979 (amended May, 1981).

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

KAN. STAT. ANN., Art. 5, §65-503 Boarding home defined.

"Family day care home" means a place maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than twenty-four hours a day, if (1) Not more than six of the children cared for at such place are less than sixteen years of age; and (2) not more than three of the children cared for at such place are less than eighteen months of age. (b) Any children of a person maintaining a place referred to in subsection (a) shall count toward the limitations of subsection (a) if such children are cared for at such place.

28-4-113 Definitions.

"Licensed day care home" means a home in which: (1) Care is provided for less than twenty-four (24) hours a day to children unrelated to the care providers;

Care is provided for a maximum of ten (10) children under sixteen (16) years of age, not more than six (6) of whom are under kindergarten age.

The maximum of ten (10) children includes the care provider's own children under fourteen (14) years of age.

112. Exclusions and Exemptions

KAN. STAT. ANN., Art. 5, §65-503 Boarding home defined.

A person shall not be considered to be maintaining a family day care home as defined in Section 111, if only children who are related by blood, marriage or legal adoption to such person are cared for.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

KAN. STAT. ANN., Art. 5, §65-503 Boarding home defined.

The secretary shall adopt rules and regulations to implement the provisions of sections 2 to 8, inclusive.

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE221. Application and Issuance

28-4-114 The day care home license.

Any person desiring to conduct a day care home shall apply for a license on forms provided by the Kansas department of health and environment.

At the time of obtaining the license application forms, the applicant shall receive a self-evaluation checklist which he or she shall complete and forward to the local health department or to the district office of the Kansas department of health and environment.

A full license shall be issued if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 et seq. and amendments thereof and the rules and regulations promulgated pursuant thereto and has made full payment of the license fee. The license and any written exceptions granted by the secretary shall be posted as required.

The care provider shall notify the county health department or the Kansas department of health and environment when day care service is discontinued. Resumption of child care shall require a new application for license.

KAN. STAT. ANN., Art. 5, §65-503 Boarding home defined.

Any person maintaining a family day care home shall register such home with the secretary of health and environment on forms furnished by the secretary. In lieu of registration, a person maintaining a family day care home may seek licensure for such home as a boarding home for children under article 5 of chapter 65 of Kansas Statutes Annotated and amendments to the provisions thereof and supplemental thereto.

The secretary shall issue a certificate of registration to any person who applies for registration on forms furnished by the secretary and who certifies that no person residing in the family day care home has been convicted of child abuse or a sexual offense, has no infectious or contagious disease, and further attests to the safety of the family day care home for the care of children. The secretary shall furnish each applicant for registration a family day care home safety evaluation form to be completed by the applicant and submitted with the registration application.

222. Fee Charged

KAN. STAT. ANN., Art. 5, §65-505 License fees.

The fee for license to conduct a maternity hospital or home, or home for children shall be two dollars (\$2), except that for a hospital or home which contains provision for five or more residents the fee shall be five dollars (\$5), which shall be paid to the secretary of health and environment before the license is issued, and the secretary of health and environment shall on or before the tenth day of each month pay into the state treasury all such fees collected for licensure during the preceding month.

223. Areas of Investigation

Not specified

224. License Renewal

KAN. STAT. ANN., Art. 5, §65-503 Boarding home defined.

The certificate of registration shall be renewed annually in the same manner provided for in this section.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

28-4-119 Compliance with regulations.

An exception to a regulation may be allowed by the Kansas department of health and environment if:

The applicant requests an exception from the Kansas department of health and environment; and

The secretary determines the exception to be in the best interests of the day care child or children and their families.

Written notice from the Kansas department of health and environment stating the nature of the exception and its duration shall be posted with the license.

230. ENFORCEMENT PROCEDURES231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

KAN. STAT. ANN., Art. 5, §65-503 Boarding home defined.

The secretary may revoke or refuse to renew a certificate of registration upon determination by the secretary that the registrant falsified information on the application or willfully and substantially has violated sections 2 to 8, inclusive.

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

28-4-114 The family day care license.

The applicant or licensee shall arrange for a substitute care provider to care for children in the event of illness, emergency or a necessary planned absence.

Care may be provided on a temporary basis (not more than two (2) consecutive weeks) for more children than the license permits in order to meet the emergency needs of a family. The local health department shall be notified of the additional children in care.

A copy of the "regulations for licensing day care homes for children" shall be kept on the premises at all times.

28-4-116 The children in care.

Children shall be offered the opportunity to participate daily in activities which promote their healthy growth and development.

312. Telephone

28-4-118 Policies relating to illness, accident, and emergency.

The home shall have a telephone service, and the telephone numbers of community emergency services shall be posted on or near it.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

28-4-116 The children in care.

A file shall be maintained for each child which includes: (1) The full name, home and business addresses, and home and business phone numbers of the child's parent or parents or guardian and the name of the person to notify in case of emergency.

342. Staff

28-4-114 The day care home license.

The applicant or licensee shall have on file a record of tuberculin test or x-ray for the substitute provider. Said test shall have been obtained within two (2) years prior to serving as a substitute. Further tuberculin testing shall not be routinely required.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

28-4-118 Policies relating to illness, accident and emergency.

The child care provider is required by law to report to the Kansas state department of social and rehabilitation services or the district court any evidence of suspected child abuse observed in children enrolled for care.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

28-4-114 The day care home license.

The maximum number of children for which a home shall be licensed is six (6) children under school age. The maximum number shall be reduced by one (1) for each infant in care in excess of one (1) as follows:

Number of infants
under 18 months

1
2
3

Total number of children
under school age

6
5
4

In addition, a maximum of four (4) school-age children may be enrolled for care before and after school and during the summer upon request of the applicant.

The maximum number of children permitted under school age shall include the family's own children under school age.

The total number of children in care shall not exceed ten (10) including the day care children and the family's own children under fourteen (14) years of age.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

28-4-114 The day care home license.

The applicant shall be at least eighteen (18) years of age.

512. Health

28-4-117 Health care policies.

All persons living or working in the day care home shall have a health assessment conducted by a licensed physician or by a nurse approved to perform health assessments obtained within two (2) years prior to application.

Family health assessments shall be renewed every three (3) years. Children under sixteen (16) living in the home shall have current immunizations.

All persons over sixteen (16) years of age living in the home shall have a record of tuberculin test or x-ray obtained within two (2) years prior to application. Further tuberculin testing shall not be routinely required.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

28-4-116 The children in care.

Children shall be offered the opportunity to participate daily in activities which promote their healthy growth and development.

Children shall have at least one (1) hour of outdoor play daily unless extreme weather conditions prevail. Children playing outdoors shall be under the supervision of an adult who is within hearing distance at all times.

612. Program Equipment and Materials

28-4-116 The children in care.

Age-appropriate toys and play equipment of safe construction and in good repair shall be available.

613. Nap Provision

28-4-116 The children in care.

Each child shall have a daily supervised rest period as needed. Napping facilities or sleeping facilities for evening and overnight care shall be provided as follows:

A crib or playpen for each child under eighteen (18) months;

Family bed, cot, sofa, lower bunk or pad over carpet for each child over eighteen months. (Two (2) children may sleep on a double bed).

614. Discipline and Guidance

28-4-116 The children in care.

Methods of discipline shall be appropriate to the age and developmental level of the child. Punishment shall not be humiliating, frightening, or physically or mentally harmful to the child.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

28-4-117 Health care policies.

An annual health assessment conducted by a nurse approved to perform health assessments or by a licensed physician shall be on file for each child under school age.

713. Immunizations

28-4-117 Health care policies.

Immunizations shall be current or in process for children to age sixteen (16) at time license is issued.

714. Sanitation

28-4-115 The day care home.

The care provider's home shall have a safe water supply and a sewage disposal system which complies with the requirements of K.A.R. 28-4-50 and K.A.R. 28-4-55 and amendments thereto if a public sewerage system is not available.

If infants under one (1) year are enrolled in homes using private well water, commercially bottled water shall be purchased and used.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

28-4-118 Policies relating to illness, accident and emergency.

Non-prescription medications shall be administered to children only with permission of the parent or guardian. A record shall be kept of medications given.

Prescription medications shall be administered only from a container labeled with the child's name, name of medication, dosage, dosage intervals, name of physician and date prescription was filled. The label shall be considered the order from the physician. A record shall be kept of medications given.

718. Waiver of Health Requirements

28-4-117 Health care policies.

Exemptions permitted: (A) Certification from a licensed physician stating the physical condition of the child is such that the test and immunization would seriously endanger the child's life or health; or

A written statement signed by one parent or guardian that he or she is an adherent of a religious denomination whose religious teachings are opposed to health assessments or such tests and immunizations.

720. SAFETY

721. General Safety Requirements

28-4-115 The day care home.

The home shall be so constructed, arranged and maintained as to provide adequately for the health and safety of children in care.

An outdoor play area shall be available and free from hazards which might be dangerous to the life and health of the child. The outdoor play area shall be fenced if the area surrounding, or the conditions existing outside, the play area present hazards which might be dangerous to the safety of the children.

All guns shall be in locked storage or equipped with trigger locks.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

28-4-115 The day care home.

Age-appropriate toys and play equipment of safe construction and in good repair shall be available.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

28-4-118 Policies relating to illness, accident and emergency.

The care provider shall make arrangements for emergency medical care at a nearby hospital or clinic and shall have written permission from the child's parent or guardian to obtain such emergency care for the child.

The registrant or licensee shall develop disaster plans to provide for the safety of children in emergencies such as fire, tornado or other emergency situations. Fire and tornado drills shall be practiced with the children.

Persons responsible for caring for children shall know how to carry out simple first-aid procedures.

The child care provider shall notify the Kansas department of health and environment of any accident to children which requires hospitalization while in the provider's care, or of the death of any member of the provider's household or of a child in care.

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

28-4-116 The children in care.

Children in the day care home shall receive a nutritious mid-morning and mid-afternoon snack, and if they remain in the home for longer than four (4) hours (exclusive of overnight care) they shall be served a balanced meal which provides one-third (1/3) of their daily nutritional requirements.

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FAMILY DAY CARE HOMES

KANSAS

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

28-4-115 The day care home.

A refrigerator shall be available for the storage of perishable foods.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

323

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

28-4-116 The children in care.

Children shall have indoor play space designated for their use.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

28-4-115 The day care home.

Basements used for play space shall have two exits, one (1) of which may be a window which can be opened without use of tools and is at least twenty (20) inches in width and twenty-four (24) inches in height.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Kentucky Department of Human Resources, (905 KAR 2:025) Type II Facility Standards, July, 1975.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

905 KAR 2:10 Standards For All Facilities - Section 1 Definitions.

"Type I day care facility" means (1) any facility other than a dwelling unit which regularly receives four or more children for day care; (2) any facility, including a dwelling unit, which regularly provides day care for thirteen or more children. If pre-school children of any day care staff receive care in the facility, they shall be included in the number for which the facility is licensed.

"Type II day care facility" means any home or dwelling unit which regularly provides care apart from parents for four, but not more than twelve children. The director's own pre-school children shall be included in the number for which the home is licensed.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

327

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

See DAY CARE CENTERS

312. Telephone

Section 1 Physical Facilities - Type II Day Care Facility.

The facility shall be equipped with a telephone accessible to the rooms used by the children.

313. Proof of Operator Financial Capabilities

See DAY CARE CENTERS

FAMILY DAY CARE HOMES

KENTUCKY

314. Insurance

See DAY CARE CENTERS

320. PERSONNEL

321. Publication of Personnel Policies

See DAY CARE CENTERS

322. Constraints Against Employment

See DAY CARE CENTERS

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

See DAY CARE CENTERS

340. RECORDS REQUIREMENTS

341. Children

See DAY CARE CENTERS

342. Staff

See DAY CARE CENTERS

343. Child Eligibility and Enrollment Requirements

See DAY CARE CENTERS

344. Child Abuse Reporting

See DAY CARE CENTERS

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

See DAY CARE CENTERS

412. Methods of Computing Staff/Child Ratios

See DAY CARE CENTERS

420. GROUP SIZE421. Group Size as of March, 1981

See DAY CARE CENTERS

422. Methods of Computing Group Size

See DAY CARE CENTERS

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Not specified

512. Health

Section 2 Staff - Type II Day Care Facility Director and Assistant.

A favorable physical examination including a VDRL and Tuberculin test shall be obtained by each person before working with the children and shall be kept on file in the home. Additional health examinations may be required when appropriate.

513. Education

Not specified

514. Experience

Section 2 Staff - Type II Day Care Facility Director and Assistant.

The director and assistant shall be capable of implementing a program for children which exhibits an understanding of children's needs and stimulates normal development.

The director and assistant shall have practical knowledge of first aid.

At least two qualified substitutes with current health certificates shall be available in case of need.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Section 2 Staff - Type II Day Care Facility Director.

The director shall be a mature, literate adult who is responsible and who has knowledge and understanding of the needs of children.

The director shall be capable of handling an emergency situation promptly and intelligently, and shall have an emergency plan.

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During the hours of operation, the director shall not be gainfully employed in another capacity.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Section 2 Staff - Type II Day Care Facility Director.

The director shall cooperate with the licensing and other appropriate agencies to improve the quality of care and competency of staff. This includes attendance by the director and staff at workshops and training sessions. Department-sponsored training is appropriate where accessible; courses or workshops sponsored by other groups may be substituted where appropriate.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Section 3 Care of the Children.

Children under care shall never be left without competent adult supervision.

The day care facility shall provide a well-balanced daily program of indoor and outdoor activities appropriate for the age levels and interests of the children. These activities shall provide experiences which promote the individual child's physical, emotional, social and intellectual growth and well-being.

There shall be regularity of routines to provide the children the security of knowing what is coming next, especially with regard to the physical routines of meals, snacks, naps, and toileting.

The program shall include outdoor play each day unless the weather is extremely bad.

612. Program Equipment and Materials

Section 1 Physical Facilities - Type II Day Care Facility.

Suitable toys and materials for creative activities shall be within reach of the children.

All equipment shall be safe and in good repair. There shall be a variety of equipment for play, both indoors and outdoors, to meet the developmental needs and interests of children of different age groups.

Tables and chairs shall be of suitable size and easily cleanable. They may be used for table activities and/or mealtime.

There shall be low open shelves to afford the child the opportunity of selecting a variety of toys, books, and play equipment. Additional storage space out of the children's reach shall be provided for special materials.

Individual storage space for children's clothing and other belongings shall be provided.

An individual cot, crib, or bed shall be provided for each child with a sheet and cover which shall be laundered as needed and always upon change of occupancy.

613. Nap Provision

Section 3 Care of the Children - Health.

The children shall have sufficient supervised rest for the number of hours spent each day at the home.

614. Discipline and Guidance

Section 3 Care of the Children - Discipline.

Disciplinary methods shall be designed and implemented in such a way as to help the individual child develop his own self controls and assume responsibility for his own acts.

Simple and consistent rules that set limits of behavior for children and staff shall be established.

Children shall not be subjected to harsh or physical discipline, nor shall any method of discipline be used that is humiliating, threatening, shaming or frightening.

Discipline shall not be associated with rest, toileting, or food.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Section 2 Staff - Household.

All adult household members shall obtain an annual Tuberculin test which must be kept on file in the facility.

Activities of anyone living in the facility shall not interfere with the day care program.

Section 3 Care of the Children - Health.

Good personal hygiene shall be practiced by all persons in the home and children shall be helped with their personal care and cleanliness.

The water supply shall be from an approved source. Drinking water shall be freely available and individual drinking cups provided.

Toilet articles such as combs, brushes, toothbrushes, towels and washcloths used by children shall be individual and plainly marked.

712. Health Assessments

See DAY CARE CENTERS

713. Immunizations

See DAY CARE CENTERS

714. Sanitation

Section 3 Care of the Children - Health.

Good personal hygiene shall be practiced by all persons in the home and children shall be helped with their personal care and cleanliness.

The water supply shall be from an approved source. Drinking water shall be freely available and individual drinking cups provided.

Toilet articles such as combs, brushes, toothbrushes, towels and washcloths used by children shall be individual and plainly marked.

715. Daily Illness Screening

Section 3 Care of the Children - Health.

A child with symptoms of illness shall not be admitted to the Type II day care facility. If a child becomes ill while in the facility, he shall be placed in a supervised area isolated from the rest of the children while arrangements are made to take him home.

716. Care of Sick Children

See 715. Daily Illness Screening

717. Medication and Special Diet Provisions

Section 3 Care of the Children - Health.

No medication shall be given to a child except on written orders from a duly licensed physician or on the daily written request of the parent or guardian.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

See DAY CARE CENTERS

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Section 3 Care of the Children - Health.

Arrangements shall be made with the parent or guardian for emergency medical care.

727. First Aid Supplies

Section 3 Care of the Children - Health.

Sufficient first aid supplies shall be available for minor emergencies.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION811. Nutritional Requirements

Section 3 Care of the Children - Health.

All children present at meal time shall be served a nutritious meal which includes a food from each of the four basic food groups. Adequate amounts of food shall be available. A nourishing mid-morning and mid-afternoon snack shall be provided.

Weekly menus shall be prepared, dated and posted in advance in a conspicuous place.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Section 1 Physical Facilities.

The kitchen shall be clean, equipped for proper preservation, storage, preparation, and serving of food and shall not be used for any other activities of the children.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS

1120. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS

1130. INFANT NUTRITION

See DAY CARE CENTERS

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS

1320. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS

1400. FACILITY REQUIREMENTS

1410. SPACE

Section 1 Physical Facilities - Type II Day Care Facility.

There shall be a minimum of 35 square feet of space per child used for play, exclusive of kitchen, bathroom, and storage areas.

There shall be enough space to provide room for all program activities. Furnishings must be properly spaced to allow free and safe movement by children and adults.

Outdoor Play area:

There shall be an outdoor play area with adequate protection from hazards.

All facilities shall be fenced unless the department determines that fencing is not necessary for the protection of the children.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Section 1 Physical Facilities - Type II Day Care Facility.

The facility shall be so constructed that it is dry, properly heated, ventilated, lighted and cooled; that windows, doors, stoves, heaters, furnaces, pipes, and stairs are protected; that screening is provided; and that the floor is free from splinters and easily cleaned.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Section 1 Physical Facilities - Type II Day Care Facility.

There shall be a sanitary toilet and washroom facility accessible to playrooms and playgrounds.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

FAMILY DAY CARE HOMES

KENTUCKY

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

341

Except where otherwise noted, all citations are from the Maryland Department of Human Resources, Social Services Administration, Standards for Family Day Care Licensing, (Title 7, Maryland Agency Rules and Regulations, 7.02.13, Licensing for Care of Children), June, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

§.03 Definitions.

"Family Day Care" means care provided for a fee to, from 1 to not more than 4 children younger than 16 years old, in a facility located outside of the home of the child's parents or legal guardian for a part of a 24-hour day.

112. Exclusions and Exemptions

§.04 When Is a License Required.

A license is not required if family day care is provided:

By a person related to the child by blood or marriage;

In the counties, by a person who is a close friend of the child's parents or legal guardian and is providing this care on an occasional basis for not more than four children regardless of any agreement between the parties as to payments; or

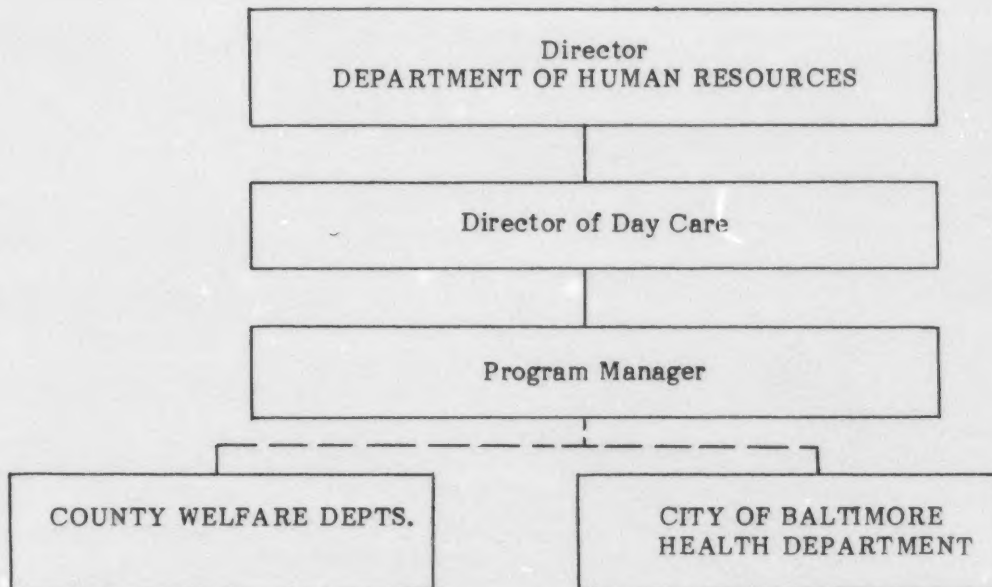
By a person who has received the care of the child from a child placement agency licensed by the Social Services Administration or from a local department of social services

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit



In Maryland, the State Department of Human Resources is responsible for licensing and regulating family day care homes. Family day care home regulation is state administered and county run. Licenses are issued and revoked from the state central office. Each county welfare director has the day to day supervision of the State Department of Human Resources. The state central office provides consultation, interpretation, and initiates legal actions.

122. Responsible Official

All inquiries should be addressed to:

Director of Day Care
Department of Human Resources
Social Services Administration
11 South Street
Baltimore, Maryland 21202

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

MD. ANN. CODE. Art. 88A, §32A(c).

The necessary qualifications and the minimum standards established as prerequisites for the issuance of licenses shall be set forth in rules and regulations promulgated by the Social Services Administration and shall be such as to protect the health, safety, welfare and morals of the children placed in family day care. The procedures for the issuance of licenses shall be set forth in rules and regulations of the Social Services Administration. The rules and regulations shall provide for the issuance of licenses by local social services departments in the name of the Social Services Administration. An appeal shall be allowed to the Social Services Administration in the event of a local department's refusal to issue a license. The issuance, duration, revocation and suspension of all licenses shall be subject to the provisions of Sections 22, 23, 24, and 25 of this Article.

The Social Services Administration may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to implement the provisions hereof.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE221. Application and Issuance§.17 Licensing of Family Day Care Homes - Application and Issuance.

Licenses for individuals seeking to provide family day care shall be issued by the local department of social services where the day care is to be provided. The application is made on a uniform application form provided by the Social Services Administration.

The application shall be accompanied by a statement of agreement by the applicant to comply with provisions of these regulations and to permit local department supervisory visits.

Licenses shall be issued in the name of the Social Services Administration on a form provided by it and shall be displayed conspicuously by the licensee in the family day care home.

Limitation of Licenses.

Every license issued by the local department shall state clearly on its face the total number and ages of children the licensee may have in day care at any given time. This shall be determined by the issuing agency upon the following factors:

- The age and health of the licensee;
- The size and nature of the facility to be used as the day care home;
- The number and age of the children residents in the day care home.

The license also shall clearly state the address of the facility for which the license is issued.

222. Fee Charged

Not specified

223. Areas of Investigation**§.17 Licensing of Family Day Care Homes - Application and Issuance.**

A license may not be issued unless all information required by the application form is provided and the local department has conducted a study, which has included an interview with the applicant and the day time adult resident members of the day care home and a visit to the day care home, and has found that all of the requirements of the law and these regulations have been complied with.

224. License Renewal**§.17 Licensing of Family Day Care Homes - Annual Reevaluation.**

A licensee who wishes to continue caring for children shall submit documentation annually that all members of the household are in good physical and mental health. In addition, documentation of an examination, made within 3 years or according to local health department policy, stating that household members are free from tuberculosis, shall be submitted.

The local department shall make a study or reevaluation to determine the licensee's continuing eligibility for license and, when necessary, shall make a redetermination as to the number of children for which a licensee is qualified.

225. Conditional/Provisional Licenses**§.17 Licensing of Family Day Care Homes - Provisional Licenses.**

A provisional license for a period of not more than 120 days may be issued by the local department in a temporary situation where health and safety of children are not endangered and the person providing the care is working to meet the requirements.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

§.17 Licensing of Family Day Care Homes - Continuing Review.

The local department shall continually review the quality of the program and services in the family day care home and whether the family day care home currently meets the licensing standards. This review may include interviews with the users of the facility. If necessary, the local department shall offer to assist the family day care home to upgrade and enrich the quality of the service.

232. Denial, Suspension, Revocation of a License

§.18 Revocation and Suspension of a License.

The Social Services Administration at any time may revoke permanently, or suspend for any period not exceeding 1 year, any license issued by it or by any local department it delegates to issue licenses under this subtitle. A license may be revoked or suspended only for violations of the licensing law or these regulations. A license may be neither suspended nor revoked without giving the licensee notice at least 20 days in advance of the contemplated action, together with a statement of the grounds for the revocation or suspension, and an opportunity for the licensee to be heard on the question of revocation or suspension, in accord with the following procedure:

When the Administration determines that an agency or institution is not meeting Administration standards for service to children and its planning does not indicate that it can assure this, the Administration shall move to deny or suspend the license. The administration shall confirm in writing this action and the reasons for it.

If children are under care, the Administration shall consider with the licensee his responsibility for terminating care of the children and his plans for accomplishing this.

If the licensee does not terminate care of children, the Department revokes the license and files with the State's Attorney a report of this and of the Department's action with reasons. The State's Attorney office is responsible for enforcement of the laws.

If needed, the Social Services Administration presents the facts to the Attorney General who may prepare a brief for the Administration Director to petition the circuit court to enjoin the activities of the agency or institution that is caring for children without the necessary license.

233. Remedies and Sanctions

233.1 Hearings

3.19 Appeals.

Appeal from Local Department Decision. The applicant or licensee aggrieved by the local department decision on issuing a license has the right to appeal and this appeal shall be directed in writing to the Social Services Administration.

Appeal from State Department Decision.

The applicant or licensee aggrieved by the decision of the Social Services Administration in any matter relating to the issue, revocation, or suspension of a license, or failure of the Social Services Administration to act in the matter has the right to appeal to the court.

The appeal shall be made to the Circuit Court of the County in which the institution, agency, or person has its principal office or residence, or to any court of Baltimore City having equity jurisdiction, if the office or residence is in Baltimore City. The Social Services Administration may be a party in these appeals.

233.2 Decisions

See 233.1. Hearings

233.3 Judicial Review

§.20 Injunctions.

The Director of the Social Services Administration, by petition, may seek to enjoin the activities and operations of any institution, agency, society, individual, or set of individuals seeking to carry on the functions requiring a license without having secured the required license. The petition for an injunction shall be brought before the circuit court, sitting in equity, in any county in which the alleged violator is located or has an established place of business or before one of the circuit courts of the Supreme Bench of Baltimore City, if the alleged violator is located or has an established place of business in Baltimore city.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

§.07 General Requirements for All Child Care Facilities - Organization and Responsibilities.

The person, firm, corporation or agency operating a child care facility shall provide a written statement of the function, reporting responsibilities, and the person in charge of the major units in the organization structure.

§.13 Requirements for Individuals to Provide Family Day Care - Applicant.

The applicant shall have knowledge of the requirements of the family day care law and of the contents of these regulations, and shall express the intention and demonstrate an ability to abide by them.

312. Telephone

§.13 Requirements for Individuals to Provide Family Day Care - The Physical Facilities of the Family Day Care Home.

There shall be a telephone in the home.

313. Proof of Operator Financial Capabilities

§.13 Requirements for Individuals to Provide Family Day Care - Financial Status.

The income of the applicant shall be such as to enable the applicant to provide for the standards required below without jeopardizing the welfare of the household or the children for whom day care is to be provided.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

§.13 Requirements for Individuals to Provide Family Day Care - Applicant.

The applicant and the resident members of the applicant's family shall have the personal characteristics, attitudes, and abilities that are conducive to providing a healthful, safe and wholesome atmosphere for children. Family

relationships within the day care home and the personal problems of its members may not present a situation harmful to the health, safety, welfare and morals of the children. The applicant may not have been convicted of any crime involving moral turpitude. The application shall be accompanied by names of references who shall be satisfactory to the local department relating to the suitability of the applicant and the family for day care.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

§.13 Requirements for Individuals to Provide Family Day Care - Records.

Each licensee shall maintain a record pertaining to each child for whom day care is being provided, which shall contain a summary of the terms under which the licensee has agreed to provide care to the child, the address and the home and business telephone numbers of the child's parents or legal guardians, the date that day care began, the dates of absences, and the termination date. The licensees shall attach to each record the medical certificates for the child covered and shall have the records and the plan for emergency available at all times for review and inspection by the local department or the Social Services Administration. In addition to the foregoing, the licensee shall maintain any further records that the local department or the Administration may request for the purpose of evidencing the licensee's compliance with the requirements of law or these regulations.

342. Staff

See 522. Health

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

See 111. Definitions

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Not specified

512. Health

Not specified

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

§.13 Requirements for Individuals to Provide Family Day Care - Applicant.
Applicants shall exhibit maturity and be at least 18 years old.

522. Health

§.07 General Requirements for all Child Care Facilities - Medical Certification.

The health of the provider shall be such that it does not endanger the health of the children in the facility. The approved or licensed facility shall have the written statement of a doctor of medicine (licensed to practice in the State, or employed by or acting as an agent of the State or a political subdivision of it) certifying that the physician has examined the individual and found nothing in his general physical and emotional condition which would endanger the health of children, and that the examination included an analysis of the results of a tuberculin test or chest x-ray administered by the certifying physician or any other person at his request according to local health department policy.

If the tuberculin test or chest x-ray results in no evidence of tuberculosis, the local health department policy is followed as to the frequency for repetition of the tests.

If the tuberculin test or chest x-ray results in anything other than no evidence of tuberculosis, local health department's advice about the next steps in medical management is followed.

If the individual has "close contact" with an active case of tuberculosis, he shall have the usual tests which are given to the contacts. If there are questions about "close contacts," the person is to consult the local health department about procedures to be followed or any action to be taken.

Any known health problems are reevaluated at whatever intervals are suggested by the physician (either the individual's personal physician or the one designated by the institution).

Annual reexamination of individuals is desirable, but biennial reexamination is required.

§.13 Requirements for Individuals to Provide Family Day Care - Applicant.

The applicant shall be in good physical and mental health and shall provide a written certificate of a physician, on a form provided by the Social Services Administration, that the applicant is physically and mentally capable of providing day care to children, in addition to documentation that the applicant is free from tuberculosis.

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

§.13 Requirements for Individuals to Provide Family Day Care - The Conduct of a Day Care Home.

A person providing family day care shall observe the following standards in the conduct of a day care home:

Children in a day care home shall be supervised by the licensee or some other resident adult member of the day care home at all times, both inside the home and at play out of doors.

612. Program Equipment and Materials

Not specified

613. Nap Provision

§.13 Requirements for Individuals to Provide Family Day Care - The Physical Facilities of the Family Day Care Home.

The facility shall contain furniture and equipment, including adequate facilities for napping, which are comfortable, durable, safe, and adapted to the ages of the children for whom the care is to be provided. Adequate supplies of fresh bed linen, individual utensils for eating, and toilet articles for washing and grooming shall be on hand.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH711. General Health Requirements

§.13 Requirements for Individuals to Provide Family Day Care - Illness of the Licensee.

In the event of illness incapacitating the licensee from providing day care, the licensee shall notify the children's parents or legal guardians immediately so that adequate interim plans for the children can be arranged.

712. Health Assessments

§.13 Requirements for Individuals to Provide Family Day Care - Health of Child.

A child may not be admitted without a written certificate of medical examination completed within not more than 3 months before admission to the family day care home, unless such certificate has been submitted on a previous admission within 1 year. If the health of the child is such that he may be in day care only if special circumstances or conditions are observed, the certificate shall so state. The certificate shall be renewed annually and kept by the licensee with the child's records.

713. Immunizations

§.13 Requirements for Individuals to Provide Family Day Care - Health of Child.

Before admission to a family day care home, there shall be submitted for each child a physician's written statement of completion, or acceptable plan for completion, of vaccinations against diphtheria, whooping cough, tetanus, poliomyelitis, and measles, or specific contraindication as determined by the local health department. A booster dose may be required before admission when, in the opinion of the physician, it is indicated.

714. Sanitation

Not specified

715. Daily Illness Screening

Not specified

716. Care of Sick Children

§.13 Requirements of Individuals to Provide Child Care - Health of Child.

If a child has a rash, fever, or other symptoms of acute illness when he arrives at the day care home, the licensee shall refuse to permit the child to enter. If these symptoms occur during the time care is being provided, the parents or legal guardians should be notified immediately and the child should be isolated in a comfortable place until such time as his parents or legal guardians or other authorized person can call for him to return him home.

Readmission of the child to the day care home after illness shall conform to local health department requirements.

717. Medication and Special Diet Provisions

§.13 Requirements of Individuals to Provide Child Care - Health of Child.

Medication may not be administered to a child in family day care unless under the written directions of a physician which shall be submitted to the licensee by the child's parents or legal guardians.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

§.06 License or Approval of Child Care Facility - Child Care Facility - Hazards to Health and Safety.

The child care facility may not present hazards to the health and safety of children.

The child care facility shall be in a state of repair which will assure the safety of children, including but not limited to:

The absence of lead paint hazards;

The absence of uninsulated wires or open electrical switches or sockets;

Adequate screening securely fastened on windows and doors;

Protected, well-lighted stairways with handrails and gates at landings where needed to insure safety of children;

Fireplaces, heating units and electrical appliances safe-guarded to protect children from shocks, burns, and fumes;

Outside doors with adequate locks to prevent them from being opened by small children;

Facilities for the storage of drugs, cleaning agents, pesticides, and other poisonous products so that these are not accessible to children.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

§.13 Requirements for Individuals to Provide Family Day Care - Food - Daily Diet.

An adequate well-balanced diet shall be provided for each child in day care. If the child is in day care 10 hours or more a day, the diet shall consist of the total daily nutritional requirements of the child, and shall include:

- An adequate breakfast;
- A mid-morning feeding;
- An adequate midday meal;
- A mid-afternoon feeding; and
- An adequate supper.

If the child is in day care for less than 10 hours a day, the diet shall consist of a suitable proportion of the total daily food needs in relation to the hours the child is in day care.

If care is provided for an infant, the licensee shall follow the schedule and employ the formula or foods set forth in the written recommendation of a physician, which shall be submitted to the licensee by the parents or legal guardians.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

§.13 Requirements for Individuals to Provide Family Day Care - Food - Food Handling and Storage.

All food shall be stored in a place which will protect it against invasion of rodents, insects, dust, water leakage, and other sources of contamination. All perishables such as milk and meat shall be refrigerated below 45°F. Cracked or chipped china may not be used and single service items (plastic spoons, paper plates, and cups) shall be used only once. All utensils used for food preparation and service shall be washed and stored in a clean place.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

§.13 Requirements for Individuals to Provide Family Day Care - The Physical Facilities of the Family Day Care Home.

The physical facilities of the home in which family day care is to be provided shall have adequate space for the daily activities of children and present no hazard to their health and safety. The home shall conform to state and local health and sanitary requirements.

There shall be ample accessible space for outdoor activity free from conditions which may be dangerous to the life or health of children.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§.07 General Requirements for all Child Care Facilities - Hazards to Health and Safety.

The child care facility may not present hazards to the health and safety of children. The home shall meet the following minimum standards:

Natural or artificial lighting in all rooms to be occupied by children shall be sufficient to prevent eyestrain. There shall be sufficient ventilation at all times and adequate heating facilities to provide for the needs of the children during cold weather.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

§.07 General Requirements for all Child Care Facilities - Child Care Facility - Zoning Approval.

The facility shall comply with any applicable zoning regulations and obtain approval when this is required by the local zoning authority.

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

See 1410. Space

1550. SANITATION

See 1410. Space

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Regulations of the Office for Children, Chapter VIII, Standards for the Licensure or Approval of Family Day Care Homes, October, 1976.

100. STATE REGISTRATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO REGISTRATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

MASS. GEN. LAWS ANN. ch. 28A, §100.01 Definitions.

"Family day care home," any private residence which on a regular basis, receives for temporary custody and care during part or all of the day children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence.

"Family day care system," any person who, through contractual arrangement, provides to family day care homes which it has approved as members of said system, central administrative functions including, but not limited to, training of operators of family day care homes; technical assistance and consultation to operators of family day care homes; inspection, supervision, monitoring, and evaluation of family day care homes; referral of children to available family day care homes; and referral of children to available health and social services....

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. REGISTRATION PROCESS AND ENFORCEMENT PROCEDURES

210. REGISTRATION PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. REGISTRATION PROCEDURE

221. Application and Issuance

§101.01 Application.

Any person who wishes to operate a family day care home shall file a written application with the Office on forms provided by the Office.

§101.03 Requirements for Applicant.

The applicant shall be the person who provides family day care services in a private residence and who is responsible for meeting the requirements of these regulations.

§101.04 Action by the Office.

The Office shall review the application and other information required by these regulations. The Office shall issue an approval or certificate of registration if the application and other information indicate to the satisfaction of the Office that the applicant meets the requirements of these regulations.

§101.06 Terms of Certificate of Registration.

An approval or certificate of registration shall be valid for two years from the date of issuance, unless revoked, suspended, or made probationary.

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. Registration Renewal

§101.02 Renewal.

Any person seeking to renew an approval or certificate of registration shall file a written application for renewal with the Office on forms provided by the Office not less than thirty days prior to the date of expiration of his current approval or certificate of registration.

225. Conditional/Provisional Registration Certificate

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a Certificate

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearing

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

\$101.05 Posting of Certificate of Registration.

The provider shall post conspicuously any approval or certificate of registration issued by the Office.

\$700.06 Prohibition of Other Employment During Hours Family Day Care is Provided.

The provider shall not combine provision of family day care with any other business or employment in the home during the hours in which care is provided. Such business or employment shall include the operation of a day care center.

\$700.07 Employment During Hours in Which Family Day Care is Not Provided.

If the provider is engaged in other employment during the hours other than those in which family day care is provided, the duration and physical demands of such employment shall not interfere with the ability of the provider to provide family day care. The provider shall not provide family day care directly following all night employment. There shall be a period of at least eight hours between the termination of all night employment and the provision of family day care services.

\$1000.02 Change in Location.

Prior to any change in location, the provider shall notify the Office in writing.

\$1000.03 License Not Transferable.

A certificate of registration or approval shall not be transferable from one provider to another, from one family day care home to another, or from one location to another.

\$1001.02 Availability of Information.

The provider or operator of a family day care home shall make available any information requested by the Office to determine compliance with these regulations, by providing access to his facilities, records, staff and references.

\$1003.03 Return of Certificate.

In the event of revocation or suspension, the provider shall promptly return the certificate of registration or approval to the Office.

\$1004.02 Report of Legal Proceedings.

The provider shall report, in writing to the Office within ten days of the initiation of such proceedings, any legal proceedings brought against him or against any person regularly on the premises, if such proceedings arise out of circumstances related to the care of children in a family day care home.

\$1004.02 Death or Hospitalization.

The provider shall immediately report to the Office the death or hospitalization of any child which occurs during the hours the child is in care in the family day care home and shall send a written report within forty-eight hours of such death or hospitalization.

312. Telephone**\$400.01 Home Safety.**

The provider shall have a telephone other than a pay phone in the home. Emergency phone numbers, including the local fire department, police department, health agency or hospital, a physician, and the most accessible poison control center shall be posted conspicuously, immediately adjacent to the telephone.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment**\$500.06 Alcohol or Narcotic Use; Neglect.**

A person shall not be eligible for a certificate of registration if:

He or she has within five years of the date of application for a certificate been adjudicated to be the parent of a child who is in need of care and protection or has been convicted of an offense involving child abuse or neglect or sexual abuse; or

He or she is found by the Office to use alcoholic beverages or narcotics to an extent or in a manner that impairs his or her ability to care for children properly;

Any other person meeting one of the descriptions set forth in paragraphs (a) or (b) above is regularly at the family day care home during the hours in which care is provided.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

§1004.03 Discrimination.

A provider shall not discriminate in providing family day care services to children and their families on the basis of race, religion, cultural heritage, or marital status of the parent.

340. RECORDS REQUIREMENTS341. Children

§902.02 Children's Records.

The provider shall keep the written information, permissions, and health records required in this subchapter readily available and in one place for each child in care.

342. Staff

See 512. Health

343. Child Eligibility and Enrollment Requirements

§901.01 Parental Permissions.

The provider shall obtain, in writing, from the parents of children in care the following types of permission:

Prior to the child's enrollment, the provider shall secure written permission from parents of children in care to take the child off the premises of the family day care home, on a form which lists the types of excursions (going to the store, riding in a car, swimming, etc.) in which the provider will normally engage.

The provider shall secure special written permission from parents for any activity which does not appear on the general permission slip, prior to that activity.

The provider shall secure written parental authorization prior to the administration of any medication to a child, whether prescription or non-prescription.

The provider shall obtain from the parent, on a form provided by the Office, written permission to take the child to a hospital, when the parent cannot be reached and when delay would be dangerous to the health of the child.

\$902.01 Information on Children.

The provider shall obtain, prior to admission of a child, in writing:

The child's full legal name; preferred name, if different; address; and date of birth;

The name, address, and telephone number of the parent;

The business name, address, and telephone number of the parent, and instructions as to how the parent may be reached during the hours the child is in family day care home;

Names and addresses of persons authorized to take the child from the family day care home;

The child's eating and sleeping habits, food preferences or dislikes, allergies, and any special medical or emotional problems.

344. Child Abuse Reporting

\$1004.04 Report of Suspected Child Abuse or Neglect.

The provider shall make a report to the Department of Public Welfare whenever the provider has reasonable cause to believe that a child receiving care in the family day care home is suffering from serious physical or emotional injury resulting from abuse inflicted upon him, excluding sexual abuse, or from neglect, including malnutrition.

345. Confidentiality of Records Requirements

§902.03 Confidentiality and Distribution of Records.

Information contained in a child's record shall be privileged and confidential. The provider shall not distribute or release information in a child's record to any unauthorized person without the written consent of the child's parent. The child's parent shall, upon request, have access to everything in his child's record at reasonable times.

§902.04 Availability of Information to Office.

Notwithstanding Section 902.03, upon request of an employee authorized by the Director, the provider shall make available to the Office any information required to be kept and maintained under these regulations.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

§200.01 Number of Children in Care.

A provider shall not provide family day care at any one time for more children than the number which appears on the certificate of registration. In no case shall a provider care for more than six children at any one time, including participating children living in the residence. A participating child living in the residence is any child under twelve years of age who is present for more than three hours during the period in which family day care is provided.

A provider shall care for no more than two children under two years of age, including children under two years of age living in the residence, unless aided by an approved assistant.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

§500.01 Age

The provider shall be at least eighteen years of age.

512. Health**\$500.05 Physical and Mental Health.**

The provider, other persons providing care, and all members of the household shall be in good physical and mental health and free from communicable disease. The Office may request the provider, at any time prior to or subsequent to the issuance of a certificate, to submit current statements, signed by a physician certifying that the provider, others providing care, and other members of the household are in good physical and mental health, free from communicable disease, and indicating any limitations the person may have in working with young children.

513. Education**\$500.02 Qualifications.**

The provider shall meet at least one of the following requirements as part of his/her qualifications in caring for young children:

Have six months full-time experience, or the equivalent in caring for children under age seven. Parenthood shall be considered as experience; OR

Completed training from a family day care system, approved by the Office; OR

Completed a course in early childhood growth and development, approved by the Office.

514. Experience**\$500.03 Care of Children.**

The provider shall demonstrate an ability to care for the number of children for which he/she has applied under these regulations in a way which meets the generally accepted physical, social, emotional, and intellectual needs of children. The provider shall demonstrate an ability to exercise good judgment in emergencies. Ability to care shall include the following:

Provision of, and arrangement of, sufficient space to allow for the free movement of children who are cared for in the family day care home;

Consistent and timely attention to the physical and nutritional needs of children, including diapering, washing, provision of nutritional foods, and the use of weather appropriate clothing;

Daily provision of varied activities and play opportunities, including regular outdoor play, as appropriate to the age and needs of each child;

Demonstration of a willingness to spend a substantial portion of each day directly involved in child-oriented activities.

§500.04 References.

The provider shall submit, on a form provided by the Office, at least two references satisfactory to the Office, from persons unrelated to the provider who can attest to the provider's ability to care for children, and such other references as required by the Office.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

See 513. Education

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

§600.01 Daily Routine.

The provider shall plan the time that children are in care to include a balance of active and quiet play, group and individual activities, eating, sleeping, resting, toileting, and outdoor play and shall submit to the Office, in writing, a plan outlining the types of activities and routines provided in the family day care home.

§600.03 Care of Children.

The provider shall offer care which promotes self-reliance, and encourages the development of self-esteem and social competence. Such care shall include:

Opportunities during the day when the child can help, such as getting ready for snacks or meals, getting out or putting away materials, etc., as appropriate to the age of the child;

Encouragement of active play and participation as well as listening or watching;

Opportunities for conversations, handling different types of equipment, and for a variety of experiences during the day;

Space for each child's personal belongings, and respect for the child's personal privacy.

§700.01 Supervision of Children.

The provider or an approved assistant shall be on the premises, directly supervising the children, at all times when children are in care. The name of an approved assistant shall appear on the certificate of registration along with the provider's name.

§700.03 Identification of Others Providing Care.

The provider shall inform the parents of children in care of the names of any approved assistants and their responsibilities, the names of the persons who would be called upon in a medical emergency, and the names of other persons who will be assisting the provider under the provider's supervision.

§700.04 Supervision of Very Young Children.

At no time shall a child under eighteen months be left awake and unattended in a crib, infant seat, or playpen for a period of time exceeding one half hour.

612. Program Equipment and Materials

§600.02 Play Materials.

The provider shall have available a variety of materials for indoor/outdoor play appropriate to the age, growth and developmental needs of the children in care. All such materials shall be free from hazards such as lead paint, protruding nails or rust which may be dangerous to children. Infants and toddlers shall be protected from materials which could be swallowed. The quantity of materials and equipment shall be sufficient to avoid excessive competition and long waits by children.

613. Nap Provision

§301.01 Napping Space and Bedding.

The provider shall furnish each child under seven years of age with an individual bed, sofa, cot, crib, pad, mat, or playpen, with clean coverings, for napping or resting purposes. Family beds may be used if clean covering is provided.

The provider shall use a crib, portacrib, or playpen for napping each child in care under fifteen months. A crib, portacrib or playpen shall be made available for those children over fifteen months who need it. If slats on cribs are more than two and three quarters inches apart, a crib bumper pad must be used for added protection. Pillows shall be used for children under six months.

614. Discipline and Guidance

§601.01 Discipline.

The provider shall use discipline in a consistent way, based on an understanding of the individual needs and development of the child.

A child shall not be punished by spanking or other corporal punishment, or be subjected to cruel or severe punishment, humiliation, or verbal abuse.

A child shall not be deprived meals or snacks as a form of punishment.

A child shall not be punished for soiling, wetting, or not using the toilet.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

\$400.01 Home Safety.

The provider shall maintain the family day care home in good repair and in a clean, sanitary and hazard-free condition and shall meet the following requirements:

\$900.02 Source of Health Care.

The provider shall obtain the name, address, and telephone number of the physician or source of health care of each child, prior to admission of each child.

712. Health Assessments

\$900.01 Health of Children.

The provider shall obtain from the parent of each child in care, within two weeks of enrollment, a statement signed by a physician or health agency that the child is in good health, that any known special conditions are under treatment and indicating all allergies or other conditions which would require special care.

713. Immunizations

\$900.01 Health of Children.

The provider shall obtain from the parent of each child in care, within two weeks of enrollment, evidence that the child has been successfully immunized in accordance with the current Department of Public Health's recommended schedules against diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles and such other communicable diseases as may be specified from time to time by the Office.

714. Sanitation**\$400.01 Home Safety.**

The provider shall maintain the family day care home in good repair and in a clean, sanitary and hazard-free condition and shall meet the following requirements:

If the water supply is not from a municipal supply, the provider shall present evidence of it having been tested and approved by the Department of Public Health or the appropriate local health official.

The home shall be clean, free of clutter, and maintained in a sanitary condition. Food shall be promptly refrigerated, and rubbish shall be regularly removed.

715. Daily Illness Screening

Not specified

716. Care of Sick Children**\$903.04 Special Care for Ill Child.**

The provider shall notify parents and shall furnish special care for a child who becomes ill during the day, including comfortable bed space in a quiet area, within easy calling distance of the provider, until the parent arrives.

717. Medication and Special Diet Provisions**\$900.05 Administration of Medication.**

The provider shall administer medication to children in accordance with the following requirements:

The provider shall not administer prescription or non-prescription medication to a child without written parental authorization.

The provider shall not administer prescription medication to a child without the written order of a physician (which may include the label on the medication) which indicates that the medicine is for the specific child.

The provider shall keep a written record of the administration of all medication to children which includes the time and date of each administration and the name of the child.

718. Waiver of Health Requirements

S900.04 Exemptions to Child Health Regulations.

The provider shall not require the parent to show evidence by a physician's statement of the child's health, or immunization record if the parent objects thereto, in writing, on the grounds that it conflicts with their religious beliefs or if the child's physician submits documentation that such a procedure is contra-indicated.

720. SAFETY

721. General Safety Requirements

S400.01 Home Safety.

The provider shall maintain the family day care home in good repair and in a clean, sanitary and hazard-free condition and shall meet the following requirements:

In homes caring for any child under three years of age, there shall be a barrier at the entry to any stairway accessible to the children. Stairways used by children shall be well-lighted and free of all hazards.

Furniture shall be safe, with sharp edges protected, and arranged in such a way as to not present hazards to young children.

The provider shall have at least one operable flashlight on the premises.

The provider shall cover all electrical outlets not in use and shall tape or fasten electric cords so that they are not a hazard to children. Electric cords shall not be frayed or damaged.

The provider shall store all potentially dangerous materials such as pressurized cans, cleaning fluids and supplies such as bleaches or detergent, polishes, matches, insecticides, firearms, tools, sharp-pointed and sharp-edged instruments, plastic bags, and medical supplies, in designated cabinets or storage facilities accessible only to adults. All firearms shall be unloaded.

The provider shall not provide family day care when the home, or any portion thereof is being deleaded.

722. Fire Safety Requirements

§400.01 Home Safety.

The provider shall maintain the family day care home in good repair and in a clean, sanitary and hazard-free condition and shall have a fire extinguisher suitable for use in the kitchen.

723. Transportation

Not specified

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

\$400.01 Home Safety

The provider shall treat, clean, and maintain all swimming pools in accordance with sound health and safety practices and regulations. The provider shall fence in-ground swimming pools and shall prevent access to above-ground swimming pools. The provider shall permit the use of pools, including wading pools, only when an adult is in attendance.

\$700.05 Supervision During Bathing or Play With Water.

The provider shall assure that there is constant adult supervision when a child is in a bathtub or shower or is playing with standing water.

726. Emergency Procedures

\$400.02 Emergency Plan.

The provider shall have a plan approved by the Office for the evacuation of young children from the home in case of fire or natural disaster, and shall conduct practice evacuations with all children in care.

\$903.01 Notification to Parents of Medical Emergency.

The provider shall notify parents as soon as possible of any emergency which requires the child to have medical attention.

\$903.03 Notification of Communicable Disease.

The provider shall notify all parents as soon as possible whenever a reportable communicable disease has been introduced into the home.

727. First Aid Supplies

\$400.01 Home Safety.

The provider shall have first aid materials which include antiseptic, bandages, and a thermometer.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

\$800.01 Nutrition.

The provider shall provide regular nutritional mid-morning and mid-afternoon snacks for children in care for less than four hours and shall regularly schedule meals in addition to snacks for children who are in care four hours or longer. The provider shall not force children to eat.

The provider shall have drinking water freely available or shall offer it at frequent intervals.

The provider may supply the food directly, or may require parents of children in care to provide food for the child during the day.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

§903.02 Notification of Excursions.

The provider shall inform the parents of children in care of any occasions when the children will be taken off the premises of the family day care home, prior to such occasions, regardless of the general permission for excursions received prior to a child's enrollment.

§903.05 Explanatory Materials.

The provider shall keep explanatory materials provided by the Office regarding these regulations at the family day care home at all times and shall make available a copy to each parent of a child receiving care.

§903.06 Availability of Information About Care.

The provider shall make available to parents any information requested concerning the operation of the family day care home or the care of their particular child.

§903.07 Information Regarding Lead Paint Poisoning.

The provider shall inform parents of children in care of the dangers of lead paint poisoning and shall recommend that parents have their children tested for lead paint poisoning by a physician or Department of Public Health.

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

§900.03 Children with Special Needs.

The provider shall require the parent to provide written recommendations from the child's physician or any other person who has evaluated or treated the child as to the specialized care a child with a handicap or special need may require. The provider may, with the parent's permission, carry out such recommendations, when appropriate. The provider shall keep such recommendations in the child's record.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE**\$300.01 Indoor Play Space.**

The provider shall arrange play space in and furniture in the family day care home in such a way as to allow room for active and quiet play, individual and group activities.

The provider shall have a minimum of one hundred fifty square feet of usable floor space, in homes caring for one or two children, including participating children living in the residence.

The provider shall have a minimum of two hundred twenty-five square feet of usable floor space, in homes caring for three through six children, including participating children living in the residence.

Bathrooms, corridors, outdoor porches, areas of the home that the children are restricted from or unable to use, and portions of rooms or areas which contain furniture or equipment suitable only for adult usage, shall not be counted in meeting the square footage requirements.

The provider shall have available a protected area in the family day care home where children under eighteen months can be on the floor to explore at least part of the day.

\$302.01 Outdoor Play Space.

The provider shall have access to at least seventy-five square feet of safe, hazard-free outdoor play space for every child in care. Where such play space is not available on the premises of the family day care home, parks, or other outdoor facilities which are easily accessible may be utilized with the prior approval of the Office.

335

Outdoor play space shall be free of hazards, including but not limited to the following:

- Access to street;
- Debris, broken glass, peeling paint;
- Tools and construction materials;
- Open drainage ditches, wells, holes, water.

Any such hazard shall be fenced, protected, or removed, as appropriate.

The provider shall not use outdoor porches above the first floor as play areas unless they are fully enclosed and structurally sound.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§400.01 Home Safety.

The provider shall maintain the family day care home in good repair and in a clean, sanitary and hazard-free condition and shall meet the following requirements:

Each room occupied by children in care shall have sufficient ventilation and lighting.

There shall be a heating system that is capable of maintaining a temperature of sixty-five degrees inside at zero degrees outside the occupied rooms. Any space heaters or wood-burning stoves in spaces occupied by children shall be separated from the occupied space by partitions, screens, guards, or other similar barricades. The use of portable space heaters is prohibited.

1430. EXITS

§400.01 Home Safety.

Each floor level which is occupied by children in care shall have at least two separate exits to the outside which can be used by children.

1440. TOILETS AND LAVATORIES

\$400.01 Home Safety.

There shall be a bathroom accessible to children not more than one floor level away from the play area.

Doors to closets and bathrooms which have locks shall have the locks that are easily opened from both the inside and outside.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Michigan Department of Social Services, Licensing Rules for Family Day Care Homes, March, 1975.

100. STATE CERTIFICATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO CERTIFICATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

MICH. COMP. LAWS ANN. §722.111 Definitions.

"Private Home" means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster home, a full-time family group home, a group day care home, or a family day care home, as follows:

"Family day care home" means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR CERTIFICATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. CERTIFICATION PROCESS AND ENFORCEMENT PROCEDURES210. CERTIFICATION PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. CERTIFICATION PROCEDURE221. Application and Issuance

MICH. COMP. LAWS ANN. §722.115 License required; application; investigation; issuance of license; "good moral character" defined; certification of private home; approving placement of children in private home; placement of 16 or 17 year old child in unlicensed residence.

Section. 5(1) A person, partnership, firm, corporation, association, or nongovernmental organization shall not establish or maintain a child care organization, unless licensed or registered by the department. Application for a license or certificate of registration shall be made on forms provided, and in the manner prescribed, by the department.

The department shall issue a certificate of registration to a person who has successfully completed an orientation session offered by the department, and who certifies to the department that a family day care home has complied with and will continue to comply with the rules promulgated under this act.

The department shall make available an orientation session to applicants for registration regarding this act, the rules promulgated under this act, and the needs of children in family day care prior to issuing a certificate of registration. A certificate of registration shall be issued to a specific person at a specific location, shall be nontransferable, and shall remain the property of the department. Within 90 days after initial registration, the department shall make an on-site visit of the family day care home.

222. Fee Charged

Not specified

223. Areas of Investigation

MICH. COMP. LAWS ANN. §722.115 License required; application; investigation; issuance of license; "good moral character" defined; certification of private home; approving placement of children in private home; placement of 16 or 17 year old child in unlicensed residence.

Before issuing or renewing a license, the department shall investigate the activities and proposed standards of care of the applicant and shall make an on-site visit of the proposed or established organization. If satisfied as to the need for a child care organization, its financial stability, the good moral character of the applicant, and that the services and facilities are conducive to the welfare of the children, the license shall be issued or renewed.

224. Certificate Renewal

MICH. COMP. LAWS ANN. §772.119 Registration of family day care homes.

A certificate of registration shall be in force for 3 years unless revoked. A renewal certificate of registration shall be issued in the same manner as provided for the initial issuance of the certificate, except that an on-site visit of the family day care home and the orientation session shall not be required. The certificate shall state that the registrant may operate a family day care home and the number and the ages of the children that may be received and maintained.

225. Conditional/Provisional Certificate

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

MICH. COMP. LAWS ANN. §772.119 Registration of family day care homes.

This section shall not limit the right or the duty of the department to assess periodically, randomly, or at the time of renewal, the continued compliance with this act and rules promulgated under this act. The department shall make on-site visits as provided in this act to a 10% sample of the family day care homes in each county each year, or when a complaint about a family day care home or registrant is received by the department.

232. Denial, Suspension, Revocation of a Certificate

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

R 400.1302 Caregiver and day care home family.

A caregiver shall:

Be of responsible character to provide for the care and welfare of children.

Be suitable to meet the physical, emotional, social and intellectual needs of each child.

Be capable of appropriately handling emergency situations.

Be responsible for supervision at all times.

All persons living in the home shall be of responsible character to assure the welfare of children.

R 400.1320 General records.

A licensee shall give each parent placing a child in a family day care home a copy of the family day care home rules as furnished in booklet form by the department. A licensee shall have verification that each parent have received a copy of the rules.

312. Telephone

R 400.1306 Equipment.

A telephone shall be accessible on the premises or within close walking distance. When a telephone is not accessible, a vehicle shall be available for use in emergency situations.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

R 400.1302 Caregiver and day care home family.

A licensee shall provide the department with the name of any person living in the home or caring for children who has been convicted of a crime involving intentional bodily harm or a sexual offense.

A licensee shall provide the department with a written statement verifying a person's personal fitness to care for or to be associated with children for any person living in a home or caring for children who has been on release status from a mental hospital or a mental institution for less than 1 year. A statement shall be obtained from the medical or administrative director of the mental hospital or mental institution.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

R 400.1318 Health record of the child.

At the time of initial attendance, a licensee shall obtain from the parent the following:

A written permission to seek emergency medical care signed by a parent and notarized.

A statement signed by a parent that the child is, and has been, in normal and good health.

Information as to immunizations and boosters, if any, completed or in progress against diphtheria, pertussis, tetanus, polio, measles, rubella and others as recommended by the department of public health. Immunization records shall be updated annually.

Within 30 days of initial attendance for a child with handicap or health problem, a licensee shall obtain from the parent a statement signed by a licensed physician indicating the limits of participation in the daily activities that would be a risk to the child's health and any special needs or treatment.

R 400.1320 General records.

A licensee shall give each parent placing a child in a family day care home a copy of the family day care home rules as furnished in booklet form by the department. A licensee shall have verification that each parent has received a copy of the rules.

A licensee shall maintain the following information for each child received for care:

Child's full name, birthdate, date of admission and discharge.

Name of parent.

Home address and telephone number of parent.

Parent's business telephone number.

Name, address and telephone number of family physician and hospital desired in an emergency.

Written authorization for emergency medical treatment for the child.

Health insurance identification information.

Name, address and telephone number of another person to be notified in case of emergency.

Names of persons other than parent to whom a child may be released.

Health record.

Written permission by a parent for administering medication.

Statement for provision of food.

342. Staff

R 400.1319 Health record of caregiver and day care home family.

A licensee shall give the department the following information:

For a caregiver, a statement signed by a licensed physician within 12 months prior to caregiving and every 2 years thereafter, indicating that to the best of his knowledge, the caregiver is mentally and physically capable of handling the additional responsibility of child care. For a caregiver over the age of 65 years, the statement shall be obtained annually.

For a caregiver and all other persons 14 years of age or older living in the home, written evidence of freedom from communicable tuberculosis verified within 1 year prior to caregiving and annually thereafter.

A licensee shall maintain current information as to immunizations and boosters completed or in progress against diphtheria, pertussis, tetanus, polio, measles, rubella and others as recommended by the department of public health for all minor children living in the home. If immunizations have not been given or completed, a licensee shall so inform the parent of any child in care.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

R 400.1303 Ratio of caregivers to children.

The ratio of caregivers to children, present in the home at any one time, shall be not less than 1 caregiver to 6 children, including children under the age of 7 years who are related to an adult member of the family by blood, marriage or adoption. No more than 2 of such children in the care of a caregiver shall be under the age of 12 months.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

R 400.1302 Caregiver and day care home family.

A caregiver shall be at least 18 years of age.

512. Health

See 342. Staff.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age.

522. Health

See 342. Staff.

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

R 400.1302 Caregiver and day care home family.

A licensee shall have an arrangement with a person at least 18 years of age who is available to assist in an emergency situation.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

R 400.1304 Program.

A licensee shall talk with a parent about the child's daily activities to insure that a child's daily routine in the family day care home and his own home fit together in a balanced way.

The daily routine planned by the licensee shall be in accord with the age and needs of the individual child and shall include:

Active and quiet play.

Indoor and outdoor play as weather permits.

Rest or sleep or both.

Meals and snacks.

Toilet training shall be planned cooperatively between the licensee and a parent so that the toilet routine established is consistent between the family day care home and the child's own home.

612. Program Equipment and Materials

R 400.1306 Equipment.

A variety and number of toys, games and other play equipment shall be available to the child and shall be appropriate and of interest to a child at his stage of development.

613. Nap Provision

R 400.1306 Equipment.

Each child shall have a comfortable and clean place to sleep or rest. The floor shall be used only when padded, warm and free from drafts. A child who is in care between the hours of 8:00 p.m. and 6:00 a.m. shall have an individual sleeping place. Children under 12 months of age and any child unable to walk unassisted shall sleep in a crib or bed with side rails and a firm mattress.

614. Discipline and Guidance

R 400.1305 Discipline.

A licensee shall talk with a parent about the methods of child handling and discipline to insure that the methods used encourage cooperation, self-direction and independence.

A caregiver shall not use the following methods of handling children:

Any form of corporal punishment or physical force. Non-severe discipline or restraint which is reasonably necessary, based on a child's development, to prevent a child from harming himself or other persons or property may be used only when a licensee has obtained prior written consent from a parent.

Restricting a child's movement by binding or tying him.

Confining a child in an area such as a closet, locked room, box or similar cubicle.

Withholding necessary food, rest or toilet use.

Mental or emotional cruelty such as humiliating, shaming or frightening a child.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

R 400.1308 Health supervision.

A caregiver shall report promptly to a parent any accidents, suspected illness or other changes observed in the health of a child.

When a communicable disease occurs, a licensee shall notify a parent of an exposed child immediately so that the child may be observed for symptoms of disease.

Bedding used by an ill child shall be laundered and toys, utensils, toilet and lavatory used by an ill child shall be cleaned and sanitized before being used by another child.

R 400.1309 Health supervision of the caregiver and day care home family.

A person living in the home or caring for children who has a suspected or confirmed case of communicable disease shall be excluded from contact with children.

R 400.1321 Reports.

A licensee shall report any accident or illness occurring while a child is in care which results in hospitalization or in death to the department within 5 days on a form provided by the department.

712. Health Assessments

Not specified

713. Immunizations

See 341. Children.

714. Sanitation

R 400.1311 General environment.

A family day care home and its furnishings shall be maintained in a clean and safe condition so as to provide a healthful environment for the general welfare of children.

A home and premises shall be kept free from standing water.

A home shall be maintained so as to prevent and eliminate rodent and insect infestation.

Plumbing fixtures and water and waste pipes shall be properly installed and maintained in good sanitary working condition.

During fly season, any door, window and other opening to the outside used for ventilation shall be supplied with screening of not less than 16 mesh which shall be kept in good repair.

R 400.1314 Sanitation.

Each sink and lavatory used by children shall be supplied with safe water. Water shall be supplied from a public water system, if available, otherwise from a private source which shall meet the requirements of the department of public health.

Sewage and other water carried waste shall be disposed of through a municipal sewer system, if available, otherwise into a private system which meets the requirements of the department of public health.

Garbage and trash shall be handled and removed at intervals so as not to create a nuisance or a menace to health. Garbage shall be stored in flyproof and watertight containers with tight fitting covers.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

R 400.1310 Medication.

If medication is to be administered by a caregiver, the following procedures shall be followed:

Medication shall be given or applied only with prior written permission from a parent. Medication shall be in the original container, stored according to instructions and clearly labeled for a named child. A caregiver shall keep the medication out of reach of children and shall return the medication to a parent or destroy it when no longer needed.

A caregiver shall give or apply the medication according to the instructions provided. A caregiver shall maintain a record as to the time and the amount of medication given or applied.

Prescription medication shall have the pharmacy label indicating physician's name, child's name, instructions and name and strength of the medication.

718. Waiver of Health Requirements

MICH. COMP. LAWS ANN. § 722.127 Objection on religious grounds to medical examination, immunization or treatment of child.

Nothing in the rules adopted pursuant to this act shall authorize or require medical examination, immunization, or treatment for any child whose parent objects thereto on religious grounds.

720. SAFETY721. General Safety Requirements

R 400.1311 General environment.

A furnace, water heater, heating appliances, pipes and other similar devices shall be maintained in a safe condition and shall be made inaccessible to children.

R 400.1317 Hazardous materials.

A caregiver shall store all flammable materials, medical supplies, bleaches, detergents, insecticides, plastic bags, firearms and other similar hazardous materials securely and out of the reach of children.

722. Fire Safety Requirements

R 400.1316. Fireplaces.

A fireplace which is used while children are in care shall be separated from the area by a protective device.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

MICH. COMP. LAWS ANN. § 722.124a Consent to medical and surgical treatment of minor child.

If the minor child is placed in a child care organization, then the probate court, the child placing agency, or the department making the placement shall execute a written instrument investing that organization with authority to consent to emergency medical and surgical treatment of the child.

A parent or guardian of a minor child who voluntarily places the child in a child care organization shall execute a written instrument investing that organization with authority to consent to emergency medical and surgical medical care.

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

R 400.1307 Food and nutrition.

A licensee shall work out a written statement for the provision of food with a parent at the time of initial attendance. The statement shall include who provides the food, the amounts of food to be served and the approximate times the child is to be fed. There shall be enough of the proper kinds of foods to enable the child to meet his nutritional needs for growth and development.

Food shall be provided so that there are no excessively long periods between meals and snacks.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

R 400.1313 Food and food handling.

All milk and milk products used shall be pasteurized.

Refrigeration equipment shall be used for the storage of perishable foods and shall be capable of maintaining temperatures of 45 degrees Fahrenheit or below.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

R 400.1312 Space.

A family day care home shall provide per child present in the home at least 35 square feet of indoor floor space used by and accessible to the child, exclusive of bathrooms and storage areas.

An outdoor play area of not less than 400 square feet, protected from hazards, shall be available on the premises or within walking distance of the home.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

R 400.1311 General environment.

A facility shall be kept heated to at least 68 degrees Fahrenheit at a point 2 feet above the floor. Hot water pipes, steam radiators, and permanently installed space heaters shall be shielded to protect against burns. Portable heating devices shall not be used.

1430. EXITS

R 400.1315 Exits.

A family day care home shall have at least 2 exits, 1 of which may be a window, from each floor level used by children. At least 1 exit from each floor level shall provide a direct means of unobstructed travel to the outside at street or ground level.

A window provided as a second exit shall be of a type which may be readily opened and of proper size and design to allow for evacuation.

A room or space including attics which is accessible only by a ladder, folding stairway or through a trap door shall not be used by children.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

FAMILY DAY CARE HOMES

MICHIGAN

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

Not specified

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to The Rules of the Minnesota Department of Public Welfare Standards for Family-Day-Care and Group-Day-Care Homes in Minnesota, DPW Rule 2, October, 1973.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

I Definitions.

Family Day Care Home (FDC) - A program providing day care for no more than five children at one time, including the family-day-care provider's own children under school age.

112. Exclusions and Exemptions

II Licensing Laws and Procedures

A FAMILY-DAY-CARE HOME (FDC), IN ORDER TO PROVIDE CARE DURING ANY PART OF THE 24-HOUR DAY, MUST BE LICENSED BY THE DEPARTMENT, WITH THE FOLLOWING EXCLUSIONS:

AN FDC PROVIDING CARE ONLY TO CHILDREN RELATED TO THE FDC OPERATOR BY BLOOD OR MARRIAGE.

AN FDC PROVIDING CARE TO CHILDREN FROM ONE OTHER FAMILY ONLY.

AN FDC PROVIDING CARE TO CHILDREN FOR LESS THAN 30 DAYS IN ANY TWELVE-MONTH PERIOD.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

II Licensing Laws and Procedures.

APPLICATION FOR A LICENSE SHALL BE MADE ON THE FORM ISSUED BY THE DEPARTMENT. THIS FORM CAN BE OBTAINED FROM THE COUNTY WELFARE DEPARTMENT (AGENCY) IN THE COUNTY WHERE THE APPLICANT RESIDES.

THE APPLICANT FOR AN FDC LICENSE SHALL APPLY THROUGH A DULY DELEGATED REPRESENTATIVE OF THE COMMISSIONER.

THE APPLICANT FOR AN FDC LICENSE SHALL BE FURNISHED WITH A COPY OF THE APPROPRIATE RULES AND REGULATIONS.

UPON RECEIPT OF A SIGNED AND COMPLETED APPLICATION FORM, THE AGENCY SHALL EVALUATE THE PROSPECTIVE FDC BASED UPON THESE RULES AND REGULATIONS. A PROSPECTIVE FDC THAT MEETS MINIMUM STANDARDS SHALL BE RECOMMENDED TO THE COMMISSIONER FOR ISSUANCE OF A FDC LICENSE. THIS LICENSE MAY BE EITHER PROVISIONAL OR REGULAR.

A REGULAR LICENSE SHALL BE ISSUED FOR A PERIOD OF UP TO TWO YEARS WHEN, IN THE OPINION OF THE AGENCY AND THE DEPARTMENT, THE FDC FULLY COMPLIES WITH LICENSING STANDARDS.

222. Fee Charged

Not specified

223. Areas of Investigation

II Licensing Laws and Procedures.

UPON RECEIPT OF A SIGNED AND COMPLETED APPLICATION FORM, THE AGENCY SHALL EVALUATE THE PROSPECTIVE FDC BASED UPON THESE RULES AND REGULATIONS.

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

II Licensing Laws and Procedures.

A NON-RENEWABLE PROVISIONAL LICENSE SHALL BE ISSUED FOR A PERIOD OF UP TO ONE YEAR WHEN, IN THE OPINION OF THE AGENCY OR THE DEPARTMENT, THE FDC DOES NOT FULLY COMPLY WITH LICENSING STANDARDS.

226. Substantial Compliance

II Licensing Laws and Procedures.

REGULATIONS MAY BE WAIVED FOR NOT MORE THAN ONE YEAR WITH THE APPROVAL OF THE DEPARTMENT ACCORDING TO THE PROCEDURE ESTABLISHED FOR SUCH WAIVER, PROVIDED THAT THE HEALTH AND SAFETY OF CHILDREN IS ASSURED. THE GRANTING OF A WAIVER SHALL NOT CONSTITUTE A PRECEDENT.

230. ENFORCEMENT PROCEDURES231. Facility Inspections

II Licensing Laws and Procedures.

AN EVALUATION VISIT SHALL BE MADE BY THE AGENCY AT LEAST ONCE EVERY TWELVE MONTHS FOR AS LONG AS THE FDC PROVIDER MAINTAINS AN FDC LICENSE.

THE COMMISSIONER OR HIS DULY DESIGNATED REPRESENTATIVE SHALL HAVE ACCESS TO THE FDC FOR INSPECTION AT ANY TIME DURING THE HOURS IN WHICH DAY CARE IS BEING PROVIDED.

See also DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

II Licensing Laws and Procedures.

ANY FDC APPLICANT OR LICENSURE WHOSE APPLICATION FOR A LICENSE IS DENIED AND ANY FDC PROVIDER WHOSE LICENSE IS REVOKED OR NOT RENEWED MAY APPEAL TO THE COMMISSIONER. THE AGENCY SHALL NOTIFY BY CERTIFIED MAIL ANY FACILITY WHOSE LICENSE IS DENIED, REVOKED, OR NOT RENEWED. THIS NOTIFICATION SHALL STATE THE GROUNDS FOR SUCH ACTION AND SHALL INFORM THE APPLICANT OR OPERATOR OF HIS RIGHT TO APPEAL THE ACTION.

See also DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

IV Staff Qualifications and Training.

THE FDC PROVIDER SHALL BE ABLE AND WILLING TO WORK COOPERATIVELY WITH THE AGENCY AND WITH THE PARENTS OF CHILDREN IN CARE.

Satisfactory Compliance:

All required reports and information shall be submitted to the agency on time.

V Health.

THE FDC PROVIDER SHALL SUBMIT TO THE AGENCY A SPECIAL REPORT WITHIN 48 HOURS AFTER THE OCCURRENCE OF AN UNUSUAL ACCIDENT SUCH AS THE DEATH OR SERIOUS INJURY OF A CHILD. A SERIOUS INJURY SHALL BE DEFINED AS ONE THAT REQUIRES THE HOSPITALIZATION OF THE CHILD. A REPORT SHALL ALSO BE MADE WITHIN 48 HOURS AFTER THE OCCURRENCE OF A FIRE THAT REQUIRES THE SERVICES OF A FIRE DEPARTMENT.

VI Physical Environment.

THE FDC PROVIDER SHALL BE PREPARED TO COPE WITH EMERGENCIES.

Satisfactory Compliance:

The FDC provider shall have information on file that will permit contact with the parents of each child in care.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance**VIII Daily Activities.**

DAILY ACTIVITIES SHALL BE DEFINED AS THE PROGRAM OF THE FDC FOR MEETING THE NEEDS OF CHILDREN RECEIVING SERVICE. DAILY ACTIVITIES SHALL FOSTER NORMAL PHYSICAL, SOCIAL, MENTAL, AND EMOTIONAL DEVELOPMENT OF CHILDREN.

WHEN TRANSPORTATION IS GIVEN TO FDC CHILDREN BY PERSONS OTHER THAN THEIR PARENTS, ADEQUATE PRECAUTIONS FOR THEIR SAFETY MUST BE MADE.

Satisfactory Compliance:

Insurance coverage shall be provided.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

IV Staff Qualifications and Training.

FDC APPLICANTS AND OTHERS LIVING IN THE HOUSEHOLD SHALL BE KIND AND RESPONSIBLE PEOPLE WITH A GENUINE LIKING FOR CHILDREN. THEY SHALL POSSESS CONSISTENT AND HEALTHY METHODS FOR HANDLING THE LIFE STYLE UNIQUE TO THEIR OWN FAMILIES.

Satisfactory Compliance:

An FDC license shall not be issued where any person living in the household has any of the following characteristics:

A conviction for, or admission of, or substantial evidence of an act of child battering or child abuse or child molesting.

Use of alcohol or drugs such that its effects are apparent during the hours that children are in care.

A placement of the family's own children in foster care or residential treatment for emotional disturbance within the previous twelve months unless the primary reason for such placement was:

The physical illness of the parent.

or

The mental retardation or physically handicapping of the child.

or

The temporary foster placement of an infant being relinquished for adoption or

A conviction for any felony or offense involving moral turpitude.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

III Limitations of License.

NO FDC PROVIDER SHALL DISCRIMINATE IN RELATION TO ADMISSIONS, TERMINATIONS, OR TREATMENT OF CHILDREN ON THE BASIS OF RACE, CREED, COLOR, NATIONAL ORIGIN, RELIGION, OR SEX.

340. RECORDS REQUIREMENTS

341. Children

IX Records.

THE FDC PROVIDER SHALL COMPLETE AN ADMISSIONS AND ARRANGEMENTS FORM FOR EACH CHILD IN CARE AT THE TIME OF FIRST ENROLLMENT.

Satisfactory Compliance:

The Admissions and Arrangements Form shall contain the following information:

Name and birth date of the child.

Full name of parent or guardian.

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Home address, work address, and telephone numbers where parent or guardian can be reached.

Name, address, and telephone number of physician caring for the child who should be consulted for medical emergencies when parent or guardian cannot be reached.

Name, address, and telephone number of person to be notified in case of emergency, when parent or guardian cannot be reached.

Names of all persons authorized to remove child from FDC home.

Specific instructions from parent or guardian about toilet training, eating, sleeping or napping habits, allergies, and other special health problems.

Enrollment and termination dates.

Financial arrangements.

For every infant and toddler, the FDC provider shall get a written statement from the parent or guardian about the specific habits of eating, sleeping, toileting, communication, and comforting.

Written consent shall be obtained from the parent or guardian for emergency medical care or treatment, to be used only if the parent or guardian cannot be reached immediately. Medical-care consent may be waived when in conflict with the parent's religious beliefs.

THE FDC PROVIDER SHALL INFORM THE AGENCY OF EACH ADMISSION OR TERMINATION.

342. Staff

IV Staff Qualifications and Training.

ALL ADULTS IN THE FDC HOME DURING THE TIME CHILD CARE IS GIVEN SHALL BE REASONABLY HEALTHY AND FREE FROM CONTAGIOUS OR INFECTIOUS DISEASE.

Satisfactory Compliance:

The FDC provider shall supply evidence to the Agency that:

During the six months prior to application, each adult in contact with the FDC children has had a negative Mantoux test or chest X-ray.

A statement from the provider's physician dated within the six months prior to the application that either:

The provider has received a physical examination and is physically and emotionally able to provide day care to young children.

or

The provider is receiving all necessary continuing medical care and is physically and emotionally able to provide day care to young children.

343. Child Eligibility and Enrollment Requirements

See 341. Children

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

IV Staff Qualifications and Training.

PERSONAL INFORMATION ABOUT THE CHILD OR HIS FAMILY SHALL NOT BE SHARED WITH THE COMMUNITY.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

III Limitations of License.

THE FDC HOME SHALL BE LICENSED FOR NO MORE THAN FIVE CHILDREN UNDER SCHOOL-AGE, INCLUDING THE PROVIDER'S CHILDREN UNDER SCHOOL-AGE.

Satisfactory Compliance:

The maximum licensed capacity shall be four if more than two infants are in care.

Part-time children may be counted as one full-time child if they are not in care at the same time.

In addition to the licensed capacity, two school-age children may be in care if:

Care is generally limited to no more than three hours per day.

Exceptions to this limit amount to no more than 30 days per school year.

Other child-care arrangements shall have the prior approval of the agency.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

III Limitations of License.

AN FDC PROVIDER MUST HAVE REACHED AT LEAST THE AGE OF 18 YEARS AT THE TIME OF LICENSURE.

512. Health

See 342. Staff

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 342. Staff

523. Education

Not specified

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524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

IV Staff Qualifications and Training.

THE OPERATOR MUST DEMONSTRATE WILLINGNESS TO ACQUIRE KNOWLEDGE OF THE BASIC NEEDS OF CHILDREN.

Satisfactory Compliance:

Within two years after the agency is prepared to offer training to FDC providers, each licensed FDC provider shall participate in a minimum of six hours of training. Newly licensed providers shall participate in a minimum of six hours of training within one year after the date of initial licensure, provided that the agency is prepared to make such training available.

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

VI Physical Environment.

THE FDC PROVIDER SHALL HAVE KNOWLEDGE OF WHERE EACH CHILD IN CARE IS AT ALL TIMES.

CHILDREN IN CARE SHALL BE ADEQUATELY SUPERVISED BY THE FDC PROVIDER OR HELPER.

VIII Daily Activities.

DAILY ACTIVITIES SHALL BE DEFINED AS THE PROGRAM OF THE FDC FOR MEETING THE NEEDS OF CHILDREN RECEIVING SERVICE. DAILY ACTIVITIES SHALL FOSTER NORMAL PHYSICAL, SOCIAL, MENTAL, AND EMOTIONAL DEVELOPMENT OF CHILDREN.

TODDLERS, PRESCHOOLERS, AND SCHOOL-AGE CHILDREN.

EACH CHILD SHALL BE ALLOWED AS MUCH INDEPENDENCE AS HE CAN SAFELY HANDLE.

Satisfactory Compliance:

Each child shall be allowed and encouraged to move about and handle safe objects in the FDC.

EACH CHILD SHALL BE PROVIDED WITH LIMITS CONSISTENT WITH HIS AGE AND UNDERSTANDING.

Satisfactory Compliance:

Each child shall be taught to avoid behavior that would be dangerous to him or to others.

EACH CHILD SHALL BE ENCOURAGED TO COMMUNICATE VERBALLY.

Satisfactory Compliance:

The FDC provider shall talk to and listen to each child.

EACH CHILD SHALL BE GIVEN PHYSICAL SIGNS OF AFFECTION:

Satisfactory Compliance:

Each child shall be given outward signs of affection by the FDC provider, as appropriate for his age and needs.

WEATHER PERMITTING, EACH CHILD SHALL SPEND TIME OUT-OF-DOORS.

Satisfactory Compliance:

Except in inclement weather, each healthy child shall spend some time each day out-of-doors.

TOILET TRAINING SHALL BE UNDERTAKEN WHEN APPROPRIATE TO EACH CHILD'S AGE AND STAGE OF DEVELOPMENT AND IN COOPERATION WITH THE PARENTS' WISHES.

Satisfactory Compliance:

The FDC provider shall obtain instructions from the parents about timing and methods of toilet training. Any toilet training given by the FDC provider shall be in cooperation with the parent's plan and within the limits of the licensing standards.

No child shall be punished for accidents occurring during toilet training.

612. Program Equipment and Materials

VIII Daily Activities.

DAILY ACTIVITIES SHALL BE DEFINED AS THE PROGRAM OF THE FDC FOR MEETING THE NEEDS OF CHILDREN RECEIVING SERVICE. DAILY

ACTIVITIES SHALL FOSTER NORMAL PHYSICAL, SOCIAL, MENTAL, AND EMOTIONAL DEVELOPMENT OF CHILDREN.

EACH CHILD SHALL BE PROVIDED WITH MATERIALS AND EQUIPMENT THAT WILL FOSTER HIS DEVELOPMENT PHYSICALLY, MENTALLY, AND EMOTIONALLY.

Satisfactory Compliance:

The FDC home shall provide commercial, homemade, or natural materials and equipment that encourage and stimulate:

Large-muscle activities (e.g., large blocks, cardboard cartons).

Small-muscle activities (e.g., small blocks).

Creative activities (e.g., dress-up clothes).

Cognitive activities (e.g., puzzles, books).

Social activities (e.g., games).

All equipment shall be of sound construction and in operative condition.

613. Nap Provision

VIII Daily Activities.

DAILY ACTIVITIES SHALL BE DEFINED AS THE PROGRAM OF THE FDC FOR MEETING THE NEEDS OF CHILDREN RECEIVING SERVICE. DAILY ACTIVITIES SHALL FOSTER NORMAL PHYSICAL, SOCIAL, MENTAL, AND EMOTIONAL DEVELOPMENT OF CHILDREN.

EACH CHILD SHALL NAP OR REST AS APPROPRIATE TO HIS AGE AND STAGE OF DEVELOPMENT AND IN COOPERATION WITH THE PARENTS' WISHES.

Satisfactory Compliance:

The FDC provider shall obtain instructions from the parent about the child's need for naps or rests and the parent's wishes about naps. Insofar as possible, each child shall take a nap in accordance with the parent's wishes.

614. Discipline and Guidance**IV Staff Qualifications and Training.**

NO CHILD SHALL BE SUBJECTED TO CORPORAL OR PSYCHOLOGICAL ABUSE.

Satisfactory Compliance:

Methods of discipline used by the FDC provider shall be discussed with the child's parent at the time of enrollment.

No child shall be hit, shaken, pinched, or roughly handled by the FDC provider.

No child shall be insulted or belittled by the FDC provider.

Exclusion, when used as discipline, shall not exceed ten minutes for any child and shall be within hearing of an adult in a lighted, well-ventilated room. No child shall be isolated in a locked room or closet.

No child shall be punished for lapses in toilet training.

Deprivation of meals and snacks shall not be used as forms of punishment unless the misbehavior occurs during meal or snack.

No discipline or punishment shall be delegated to another child.

No derogatory remarks about a child or his family shall be made.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

V Health.

AT THE TIME OF ADMISSION, THE FDC PROVIDER SHALL OBTAIN FROM THE PARENT A HEALTH HISTORY OF THE CHILD, INCLUDING INFORMATION ON SPECIAL DIET, ALLERGIES, IMMUNIZATION RECORD, SOURCE OR REGULAR HEALTH CARE, AND ANY OTHER PROBLEMS OF THE CHILD.

WHEN A POSITIVE DIAGNOSIS OF SERIOUS COMMUNICABLE OR INFECTIOUS DISEASE IS MADE, THE PARENTS OF ALL EXPOSED CHILDREN SHALL BE NOTIFIED IMMEDIATELY. SUCH CHILDREN SHALL BE WATCHED FOR SYMPTOMS OF THE DISEASE.

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

V Health.

THE FDC PROVIDER AND ANY HELPER SHALL WASH THOROUGHLY AFTER CHANGING DIAPERS OR USING TOILET FACILITIES AND BEFORE HANDLING FOOD.

SEPARATE TOWELS, WASH CLOTHES, DRINKING CUPS, COMBS, AND OTHER PERSONAL ARTICLES MUST BE USED FOR EACH CHILD. (PAPER TOWELS ARE PERMITTED.)

CLEAN AND SEPARATE BED LINEN SHALL BE PROVIDED FOR EACH CHILD IN CARE.

FDC HOMES THAT HAVE PETS SHALL PROVIDE EVIDENCE THAT SUCH PETS HAVE HAD ALL NECESSARY SHOTS; FDC HOMES SHALL NOT HAVE TURTLES, CHICKENS, OR DUCKS AS HOUSE PETS.

THE FDC PROVIDER AND ANY HELPER SHALL WASH THOROUGHLY AFTER CHANGING DIAPERS OR USING TOILET FACILITIES AND BEFORE HANDLING FOOD.

VI Physical Environment.

THERE MUST BE A SAFE WATER AND MILK SUPPLY.

Satisfactory Compliance:

Sample shall be taken of water from wells and tested by the State Health Department.

All milk must be pasteurized.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

V Health.

NO FDC PROVIDER SHALL BE REQUIRED TO ACCEPT A SICK CHILD FOR CARE. THE PROVIDER MAY, HOWEVER, ACCEPT A SICK CHILD WHEN CARE CAN BE GIVEN WITHOUT UNDULY ENDANGERING THE HEALTH OF OTHERS.

Satisfactory Compliance:

Provider shall have a plan approved by the agency for isolating a sick child, when necessary, from other children receiving care.

Parents of children in care shall be notified that it is the practice of the provider to offer care to sick children.

The parent of a sick child placed in the FDC provider's care shall give complete instructions to the provider about care for his child.

The sick child, if isolated from other children, shall still be under the control and supervision of the provider; the sick child must be within hearing of the FDC provider or a helper.

717. Medication and Special Diet Provisions

VII Nutrition.

THE FDC PROVIDER SHALL OBTAIN FROM THE PARENT AT THE TIME OF ENROLLMENT, WRITTEN INSTRUCTIONS ON EACH CHILD'S SPECIAL DIET OR FOOD NEEDS.

Satisfactory Compliance:

Any special diet or food needs shall be recorded on the child's admissions and arrangements form.

Parent's wishes on the serving and time of snacks shall be observed as far as possible.

PARENTS SHALL BE CONSULTED ABOUT SPECIAL FOOD PREFERENCES.

718. Waiver of Health Requirements

IX Records.

THE FDC PROVIDER SHALL COMPLETE AN ADMISSIONS AND ARRANGEMENTS FORM FOR EACH CHILD IN CARE AT THE TIME OF FIRST ENROLLMENT.

Satisfactory Compliance:

Medical-care consent may be waived when in conflict with the parent's religious beliefs.

720. SAFETY

721. General Safety Requirements

VI Physical Environment.

THE HOUSE AND PREMISES SHALL BE CLEAN, REASONABLY NEAT, AND FREE FROM HAZARDS THAT JEOPARDIZE HEALTH AND SAFETY.

Satisfactory Compliance:

FDC premises shall be inspected by a representative of the Commissioner.

House and premises shall be clean, reasonably neat, and free from accumulations of dirt, rubbish, or peeling paint.

All medicines, chemicals, cleaning supplies, and other toxic substances shall be stored out of the reach of children. They must not be stored with or immediately adjacent to food products.

Electric receptacles accessible to the children shall be covered or protected when not in use.

Scissors, knives, matches, thin plastic bags, and other potential hazards to children shall be kept out of their reach. The use of potentially hazardous materials and tools shall be supervised.

Outdoor garbage and rubbish containers shall not be accessible to the children.

Outdoor play space shall be enclosed as necessary to provide protection.

Effective measures shall be taken to protect against the entrance into the home or breeding of vermin and insects.

722. Fire Safety Requirements

VI Physical Environment.

THE FDC HOME SHALL BE SAFE FROM FIRE AND STRUCTURAL HAZARDS.

Satisfactory Compliance:

An inspection for fire safety shall be made before licensure and whenever a fire hazard appears to be present, in the estimation of the agency.

Every room below ground level shall have one exit leading directly outside. This exit may be a window large enough for a child to crawl through.

Unvented room heaters shall not be permitted.

No stove or heater shall be located where it would block escape in case of a stove or heater fire.

A portable fire extinguisher shall be provided for the kitchen and cooking areas. This extinguisher shall be in working order and checked annually.

Combustible items shall not be located or stored near the furnace area.

Fireplaces, space heaters, steam radiators, and hot surfaces, such as steam pipes, shall be protected by guards.

723. Transportation

VIII Daily Activities.

DAILY ACTIVITIES SHALL BE DEFINED AS THE PROGRAM OF THE FDC FOR MEETING THE NEEDS OF CHILDREN RECEIVING SERVICE. DAILY ACTIVITIES SHALL FOSTER NORMAL PHYSICAL, SOCIAL, MENTAL, AND EMOTIONAL DEVELOPMENT OF CHILDREN.

WHEN TRANSPORTATION IS GIVEN TO FDC CHILDREN BY PERSONS OTHER THAN THEIR PARENTS, ADEQUATE PRECAUTIONS FOR THEIR SAFETY MUST BE MADE.

Satisfactory Compliance:

No child shall be permitted to remain unattended in any vehicle.

Each child being transported shall use an approved safety seat, seat belt, or harness.

No more than three persons, including the driver, shall be permitted to occupy the front seat of the vehicle.

Any vehicle operated for the transportation of children shall be licensed in accordance with the laws of the State of Minnesota, and the driver shall hold a current and valid driver's license.

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

V Health.

THE FDC PROVIDER SHALL BE PREPARED TO COPE WITH HEALTH EMERGENCIES.

Satisfactory Compliance:

The FDC provider shall have a plan approved by the agency and by the child's parents for meeting medical emergencies; this plan shall include the name and phone number of the child's physician.

The FDC provider shall obtain written permission from the child's parents prior to the administration of any medication-prescription or non-prescription.

The FDC provider shall have written instructions from a licensed physician or dentist prior to the administration of any prescription medication. Medication with current prescription information on the label shall constitute such instructions.

VI Physical Environment.

THE FDC PROVIDER SHALL BE PREPARED TO COPE WITH EMERGENCIES.

Satisfactory Compliance:

The FDC provider shall make arrangements for a substitute care giver to provide care during emergencies. The substitute care giver shall be eligible for the same training as the licensed FDC provider.

A list of emergency telephone numbers shall be prominently posted by the telephone, including police, fire, doctor, and hospital.

The FDC provider shall make arrangements in advance for emergency transportation.

Emergency procedures shall be planned, written, and posted. They shall include a plan for evacuation.

A review of these emergency procedures shall be held not less often than annually.

At least one operable flashlight shall be available for use in the event of a power failure.

727. First Aid Supplies

V Health.

THE FDC PROVIDER SHALL BE PREPARED TO COPE WITH HEALTH EMERGENCIES.

Satisfactory Compliance:

The FDC provider shall have a plan approved by the agency and by the child's parents for meeting medical emergencies; this plan shall include the name and phone number of the child's physician.

The FDC provider shall have first aid supplies readily available to treat minor injuries.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

VII Nutrition.

WELL-BLANCED MEALS AND SNACKS SHALL BE SERVED DAILY.

Satisfactory Compliance:

Each meal served shall include servings from each of the basic four food groups as indicated in the Daily Food Guide.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION**821. Food Preparation and Service Requirements****VI Physical Environment.**

THE HOUSE AND PREMISES SHALL BE CLEAN, REASONABLY NEAT, AND FREE FROM HAZARDS THAT JEOPARDIZE HEALTH AND SAFETY.

Satisfactory Compliance:

The FDC provider shall maintain personal cleanliness and conform to hygienic practices while preparing food.

All food and cooking utensils shall be stored to protect from dust, vermin, leakage from pipes, or other contamination.

Food needing refrigeration shall be stored at a temperature that will prevent spoilage and bacterial growth (40° recommended).

Appliances regularly used in the storage and preparation of food shall be safe and in good working order.

Except for home-canned meat, fish, and poultry, the use of homecanned foods is acceptable.

DRINKING WATER SHALL BE AVAILABLE TO CHILDREN AND OFFERED AT FREQUENT INTERVALS.

Satisfactory Compliance:

Drinking water for toddlers and older children shall be provided in individual or single-service cups.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

See 611. Program of Activities, 613. Nap Provision, and 614. Discipline and Guidance.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

VIII Daily Activities.

DAILY ACTIVITIES SHALL BE DEFINED AS THE PROGRAM OF THE FDC FOR MEETING THE NEEDS OF CHILDREN RECEIVING SERVICE. DAILY ACTIVITIES SHALL FOSTER NORMAL PHYSICAL, SOCIAL, MENTAL, AND EMOTIONAL DEVELOPMENT OF CHILDREN.

EACH INFANT MUST BE HELD, ROCKED, CUDDLED, AND PLAYED WITH DURING EACH DAY OF CARE.

EACH INFANT'S ATTEMPTS TO COMMUNICATE MUST BE RESPONDED TO.

Satisfactory Compliance:

The FDC provider shall talk and listen to each infant.

THE INFANT MUST BE ALLOWED FREEDOM OF MOVEMENT DURING A LARGE PART OF HIS WAKING DAY.

Satisfactory Compliance:

The non-creeping infant shall spend part of each day on a clean carpeted floor or large blanket.

The creeping infant shall have freedom to explore outside of crib or playpen. A crib or playpen shall be used only for sleeping or for short periods of time when needed for safety or when the provider is attending to other children. During the infant's waking hours, a playpen shall be placed where the infant can watch others. Several hours each day of care shall be spent outside the crib or playpen.

THE INFANT MUST BE PROVIDED WITH AN ENVIRONMENT THAT STIMULATES ALL OF HIS SENSES.

Satisfactory Compliance:

Infants should be provided with: (commercial, homemade, or natural)

Things to look at (e.g., crib mobile).

Things to listen to (e.g., rattle, FDC provider's voice).

Things to feel (e.g., a soft ball).

Things to smell (e.g., new baked cookies).

Things to taste (e.g., objects that are non-toxic and too large to swallow or choke him).

WEATHER PERMITTING, EACH INFANT MUST SPEND SOME PART OF EACH DAY OUT-OF-DOORS.

Satisfactory Compliance:

Except in inclement weather each healthy infant shall spend some time each day out-of-doors.

1120. HEALTH AND SAFETY REQUIREMENTS

V Health.

DIAPERS SHALL BE CHANGED WHEN THEY BECOME SOILED OR WET. A CHILD WHO HAS SOILED SHALL BE WASHED WITH A SEPARATE CLOTH OR TOWEL BEFORE DIAPERING.

AN ADEQUATE SUPPLY OF CLEAN DIAPERS SHALL BE AVAILABLE. DIAPERS MAY BE PROVIDED BY THE PARENT. ALL DIAPERS SHALL BE STORED IN A SANITARY MANNER.

SOILED DIAPERS SHALL BE KEPT IN A CLOSED CONTAINER. THIS CONTAINER SHALL BE RENEWED OR CLEANED DAILY AND SHALL NOT BE ACCESSIBLE TO THE CHILDREN.

VI Physical Environment.

ALL STAIRWAYS SHALL BE GUARDED FOR THE TODDLER AND CRAWLER.

Satisfactory Compliance:

The area between guard rail and stair tread shall be enclosed on stairs used by the children.

Stairways used by children shall have handrails.

Gates shall be used at both top and bottom of stairs accessible to the children where care is being provided to crawlers or toddlers.

Stairways shall be kept clear.

1130. INFANT NUTRITION

VII Nutrition.

FLEXIBLE FEEDING SCHEDULES SHALL BE PROVIDED FOR INFANTS AND TODDLERS.

Satisfactory Compliance:

The infant's or toddler's usual feeding schedule, as given by the child's parent, shall be recorded on the child's enrollment form.

The infant's or toddler's usual feeding schedule shall be followed by the FDC provider insofar as is possible.

Food and bottles brought from home shall be labeled with the child's name and refrigerated when necessary. Bottles shall be rinsed when empty.

DRINKING WATER SHALL BE AVAILABLE TO CHILDREN AND OFFERED AT FREQUENT INTERVALS.

Satisfactory Compliance:

Water bottles for infants shall be identified for each individual infant. The water shall be stored and handled to protect against contamination.

VIII Daily Activities.

DAILY ACTIVITIES SHALL BE DEFINED AS THE PROGRAM OF THE FDC FOR MEETING THE NEEDS OF CHILDREN RECEIVING SERVICE. DAILY ACTIVITIES SHALL FOSTER NORMAL PHYSICAL, SOCIAL, MENTAL, AND EMOTIONAL DEVELOPMENT OF CHILDREN.

EACH INFANT MUST BE HELD DURING BOTTLE FEEDINGS UNTIL HE IS SAFELY ABLE TO HOLD HIS OWN BOTTLE. BOTTLES SHALL NOT BE PROPPED.

An infant's first sense of security is closely related to his food. Being held during feeding helps him to develop a trust relationship with others. It is possible for a young infant to choke on milk or water from a propped bottle.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

V Health.

SPECIAL CONSIDERATIONS MUST BE GIVEN WHEN PROVIDING CARE TO A HANDICAPPED CHILD.

Satisfactory Compliance:

A physician's statement indicating the nature of the handicap and any special methods that must be employed in caring for the handicapped child.

A careful exploration with the parent of the handicapped child, including complete explanations of care and treatment, at the time of admission or occurrence of the handicap.

Written instructions from the physician and/or parent indicating any special therapy, program, or behavior techniques required by the handicapped child.

Regular conferences with the parent.

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

VI Physical Environment.

BASEMENTS, IF WARM AND DRY, LIGHTED AND WELL VENTILATED, MAY BE USED FOR SHORT PERIODS OF ACTIVE PLAY BUT MUST NOT BE USED FOR SLEEPING.

Satisfactory Compliance:

Furnace and hot water heater must be separated by a door, partition, or barrier from play areas.

Basements partly above ground level that are clean, warm, and dry may be used for play periods; basements shall not be used for sleeping.

Cellars wholly below ground level shall not be used.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

See 722. Fire Safety Requirements

1440. TOILETS AND LAVATORIES

VI Physical Environment.

THE DAY-CARE HOME MUST HAVE ADEQUATE TOILET FACILITIES, SEWAGE DISPOSAL, AND PROPER LIGHTING AND VENTILATION, AS DETERMINED BY THE COMMISSIONER IN CONSULTATION WITH THE DEPARTMENT OF HEALTH.

Satisfactory Compliance:

Complete disposal of waste means toilet must flush thoroughly.

Outdoor toilets are permissible if local regulations allow.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

See DAY CARE CENTERS

1560. NEW CONSTRUCTION

See DAY CARE CENTERS

In Mississippi, licensure of family day care homes is voluntary, unless they receive public funds. The regulations for licensure of family day care homes are the same as the regulations for licensure of day care centers.

Except where otherwise noted, all citations are from the Missouri Department of Social Services, Licensing Regulations for Child Day Care Facilities, Chapter 62, Day Care Homes, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

40-62.010 Definitions and Licensing Information.

A "family day care home" is a family home, occupied by the day care provider, in which family-like care is given to six children or less, not related to the day care provider, for any part of the 24 hour day. The maximum number of children under the age of two shall be three.

"A group day care home" is a family home, occupied by the day care provider, in which family-like care is given to seven, but no more than ten children, not related to the day care provider, for any part of the 24 hour day. If there is only one adult provider, the maximum number of children in care under the age of two years shall be two. If the provider has a full-time adult assistant, there may be four children in care under the age of two.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

40.62.050 The Day Care Family and Household.

Relationships between members of the day care family shall be such as to assure a favorable influence and atmosphere for the children accepted for

care. There shall be agreement among the members of the household as to the advisability of the sharing of their home for the care of children, and this shall include the children of the household who will be sharing their mother and many of their belongings.

40.62.070 Admission Policies and Procedures.

Each day care home shall establish policies pertaining to admission, care, and discharge of children. It is usually helpful to have these policies in writing and available for parents at time of enrollment to avoid any misunderstanding about hours, fees, etc.

Children shall be regularly enrolled with enrollment and medical information on file.

Overlap and Care of Children for More than One Shift.

A day care home shall care for no more than two shifts of children during the 24 hour day, and the maximum length of time a provider can be regularly responsible for child care is 18 hours.

There may be occasional situations when due to change of shifts or because of before and after school care of school age siblings of children in care, the number of children in care would exceed for a short period of time the licensed maximum. The number in care, in these overlap situations, shall therefore never be more than twice the number provided for on the license for a period of time not to exceed one hour.

40.62.095 Records and Reports.

The day care home shall be responsible for keeping records to insure knowledge of individual needs of children and families.

All records and reports shall be readily available at all times and filed or located in a place known to anyone responsible for the children.

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40.62.070 Admission Policies and Procedures.

If evening or nighttime care of children is to be regularly provided, request for approval for this type of care shall be made on the application, and if approved, the license will designate the number and ages of children who can be cared for during those hours. Regulations in regard to sleeping arrangements, personal care, and activities shall be met as set forth. If the regularly scheduled hours for day time care extend slightly into evening or nighttime hours, however, this will be recognized in the licensing investigation and no special mention will be made on the license. Normally, however, children who have been in care all day should not remain in a day care home beyond 6 p.m. nor should they be in care for longer than 10 hours.

312. Telephone

40.62.020 Physical Requirements of the Home.

There shall be a telephone in working order.

313. Proof of Operator Financial Capabilities

40.62.050 The Day Care Family and Household.

Financial resources of the family shall be sufficient to maintain minimum standards of care set forth by the Division of Family Services.

40.62.095 Records and Reports.

Financial records including income and expenditures shall be maintained in sufficient detail to show the current financial soundness of the day care facility. These records shall be available for review at request by the Division of Family Services.

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

40.62.040 The Day Care Provider and Other Child Care Personnel.

The day care provider shall not be engaged in other employment, either full-time or part-time during the hour while operating the day care home, nor shall she/he be employed longer than four hours on any other shift of the 24 hour day when providing child care.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

See DAY CARE CENTERS

340. RECORDS REQUIREMENTS341. Children

40.62.095 Records and Reports.

Sufficient records shall be kept to identify the children and enable the day care facility to communicate with the parent(s) or person responsible for the child in their home and in an emergency situation. Records shall include:

Child's name, address, birthdate, and the date of acceptance.

Full name of both parents or person responsible for the child, family's home address, work addresses, hours of work, and telephone numbers.

Instructions for reaching the parent(s) or relative(s) or guardian.

Name, address, and telephone number of another person (friend or neighbor) who might be reached in the event of an emergency.

Name, address, and telephone number of family physician and/or hospital preference.

Name of person(s) authorized to take child from the facility.

Health information shall be on file for each child including:

Physician's pre-admission report.

Instructions for action to be taken in the event parent or physician designated by the parent cannot be reached.

Authorization for any special medications.

Information of illnesses while enrolled in the day care facility and/or medications administered.

Information concerning any accident or injury to the child while at the day care facility or any emergency medical attention.

Any significant information learned from observing the child.

342. Staff

40.62.095 Records and Reports.

Health records of adult members of the household and/or staff members, and/or volunteers shall be on file.

343. Child Eligibility and Enrollment Requirements

40.62.070 Admission Policies and Procedures.

Each day care facility shall develop a procedure for admitting children which shall include the following:

A personal interview or interviews with the parent(s) to exchange information and to arrive at a joint decision about admitting the child.

A plan for continuing relationship between the day care facility and the parent(s) through scheduled conferences, written progress reports, or the like.

A pre-admission visit by the child, if possible.

Information regarding a child's personal development, behavior patterns, habits, needs, etc.

Assurance that the parent has a practical and realistic plan for providing for the care of his child when ill.

Instruction as to the action to be taken in case the parent or physician designated by the parent cannot be reached in the event of an emergency.

344. Child Abuse Reporting

40.62.095 Records and Reports.

All day care providers shall acquaint themselves with the Child Abuse Law and shall make a report of any suspected child abuse to the Child Abuse and Neglect Unit of the Division of Family Services at the toll free number 1-800-392-3738.

345. Confidentiality of Records Requirements

40.62.095 Records and Reports.

All records of children shall be confidential and shall be protected from unauthorized examination, but shall be available to parents and/or guardian at request.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

See 111. Definitions

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Not specified

512. Health

40.-62.060 Health Examinations - Members of the Household and Assistants.

All adults who are members of the household who have direct contact on a regular basis with the children and/or any person who assists in the care of the children shall be in good emotional health and free of disease or disabilities that would have a harmful effect upon the children. This shall be established by a physical examination completed not more than 90 days prior to application for the care of children and/or employment and annually thereafter. Such examination shall include a tuberculin skin test, a chest X-ray or appropriate follow-up of a previous examination so that the medical report will indicate the individual is free of tuberculosis. Persons shall not be allowed to work with the children when ill if the health of the children would be endangered.

The medical report shall be in writing and kept on file at the day care facility.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

40-62.040 The Day Care Provider and Other Child Care Personnel.

The day care provider shall be 18 years of age.

522. Health

See 512. Health

456

523. Education

Not specified

524. Experience

The day care provider shall have knowledge of the needs of children, shall be capable of handling emergency situations promptly and intelligently, and shall be willing to cooperate with the person responsible for placing the child in the home as well as with the licensing authority.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

40.62.080 Daily Activities and Care of the Child - Daily Activities.

Daily activities and experiences appropriate to the interests, needs, and desires of the children in care shall be provided. These shall include

educational play experiences and free choice of play allowing for individual interests.

There shall be a variety of materials and activities provided which will permit children to make choices.

Provision shall be made for both indoor and outdoor play with at least one hour being allowed for outside activities except in inclement weather or if health of a child indicates he should remain inside. (If the yard is not fenced, preschool children must be adult supervised outside).

The daily schedule shall provide a certain amount of regularity to permit children to have the security of knowing what comes next and to have a regular schedule of physical routines - meals, snacks, naps, and toileting.

Field trips or excursions away from the home may occur but there shall be written parental consent on file and parents shall be informed whenever such trips are planned.

The day care provider shall never leave the children without competent adult supervision.

612. Program Equipment and Materials

40.62.030 Furniture, Equipment, and Materials - Play Materials and Equipment.

There shall be educational and developmental play materials or equipment in sufficient variety and quantity to meet the interests and needs of the number and ages of children accepted for care.

613. Nap Provision

40.62.030 Furniture, Equipment, and Materials - Sleeping Arrangments.

There shall be a cot, bed, or crib and bedding (a sheet and blanket) for each child who naps. These shall be well-constructed and in good repair. If a double bed is used, only two children shall sleep or nap on it at one time and each child shall be provided with a separate blanket or cover.

There shall be sufficient space between cots, beds, and/or cribs to allow at least two feet on all sides except where it is in contact with the wall.

Sleeping equipment and supplies shall be kept in a clean and sanitary condition. If family beds are used for napping, there shall be a clean full-sized sheet spread over the family bedding.

40.62.080 Daily Activities and Care of the Child - Daily Activities - Napping.

Preschool children who do not sleep shall not be forced to remain on their beds or cots longer than one hour.

School-age children can be encouraged to have a "quiet" time in the early afternoon but shall not be forced to nap.

614. Discipline and Guidance

40.62.080 Daily Activities and Care of the Child - Daily Activities - Discipline.

Only constructive methods of discipline shall be used. There shall be no corporal punishment including spanking, slapping, or shaking.

No technique which is humiliating, threatening, or frightening, to children shall be used.

Punishment or threat of punishment shall not be associated with food, rest, isolation for illness, or toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

40.-62.060 Health Examinations - Children.

The day care facility shall require prior to the admission of an infant, toddler or preschool child a physical examination report made within the past 12 months which indicates that the child's medical history and current state of health is satisfactory and that he/she is without handicapping conditions or illness which would make group care inadvisable. For the school-age child, a report shall be provided by the parents(s) at the time of enrollment indicating the child's health history and any restrictions necessary for his/her care.

There may be an occasional situation where the need for day care is urgent and a medical statement can not be secured before admission. In such circumstances, the medical statement must be provided no later than thirty days following admission.

713. Immunizations

Not specified

714. Sanitation

40.62.020 Physical Requirements of the Home - Indoor Space.

The physical plant shall be safe and suitable for the care of children.

Home shall be reasonably clean and tidy at all times, free from dirt and any evidence of vermin, flies and rodent infestation.

40.62.090 Nutrition and Food Service.

Sanitation and health standards in conformance with applicable state and local laws and regulations shall be maintained in the storage, preparation, and service of foods. Powdered non-fat dry milk shall not be used except for cooking purposes.

715. Daily Illness Screening

40.62.080 Daily Activities and Care of the Child - Care of the Child - The Ill Child.

Children shall be observed for contagious diseases and other signs of illness not only on arrival but all through the day. Children who are suspected as having any illness should not be accepted for care and if a child becomes ill during the day, he shall be isolated from the other children.

716. Care of Sick Children

40.62.080 Daily Activities and Care of the Child - Care of the Child - The Ill Child.

When any communicable disease occurs in the day care facility, every child's parent(s) shall be notified individually and immediately.

An adult shall always be within range of a sick child's call, or in close attendance if needed.

An ill child shall be kept in isolation only until his parent or responsible person can come for him. The parent shall be notified immediately when a child becomes ill and be requested to come for the child at once.

717. Medication and Special Diet Provisions

40.62.080 Daily Activities and Care of the Child - Care of the Child - The Ill Child.

It is recommended that medications not be given at a day care facility. This responsibility should be left with the parent(s) at home. For special cases, the day care provider or director or supervisor may choose to accept this responsibility. If so, it shall be authorized in writing by the parent. Medication shall be labeled with the child's name, the name of the drug, and the direction for its administration. It shall be carefully stored and returned to the parent or discarded when no longer needed. The date and time of administration, the name of the provider or person giving the medication shall be recorded, and the quantity of the medication given should be entered on the child's health record each dose.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

40.62.020 Physical Requirements of the Home - Indoor Space.

The physical plant shall be safe and suitable for the care of children.

Open windows shall be securely screened. Safeguards to prevent children from falling from window openings shall be provided.

Fireplaces, open-faced heaters, hot radiators, or floor furnaces shall be protected by screens or as recommended by the State Fire Marshal.

Walls and floors shall be finished so as to be free from splinters and cracks and easily cleaned. Lead free paint shall be used for all painted surfaces.

Clear glass doors shall be plainly marked at varying heights to avoid accidental impact.

All flammable liquids, matches, cleaning supplies, poisonous materials, guns, firearms, or other hazardous items shall be stored so as to be inaccessible to the children.

Outdoor Play Space.

The surface of the play area shall have good drainage, be safe, suitable for the children's activities, free of hazards such as broken glass and other debris, and it shall be well-maintained.

The area under climbing equipment, swings, slides, and other equipment from which children might fall shall be of resilient material such as grass, sand, tanbark, rubber matting, and the like.

The outdoor play area must be hazard free, and keep children away from traffic, water, and other dangers. The playground shall be protected by a fence when indicated. There shall always be an adult supervisor outside with the children when need for fencing is not indicated, unless the children are of school age and definite limits have been established as to their boundaries.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

40.62.030 Furniture, Equipment, and Materials - Play Materials and Equipment.

All equipment shall be kept in good condition free of sharp, loose, or pointed parts. Only lead free paint shall be used.

Furniture and equipment shall be arranged so as not to interfere with exits.

725. Water Activities (Including Swimming)

40.62.020 Physical Requirements of the Home - Outdoor Play Space.

Swimming and/or wading pools shall be constructed, maintained, and used in such a manner as to safeguard the lives and health of the children.

Swimming pools and/or other areas such as ponds, lakes, or rivers shall be fenced to prevent accidental or chance access by children. Wading pools that are left filled with water when not in use shall also be protected in some way.

The water in the pool or other water areas shall be treated, cleaned, and/or maintained in accordance with health practices and regulations as determined by the local or state health authority.

726. Emergency Procedures

40.62.040 The Day Care Provider and Other Child Care Personnel.

An adult substitute for help in case of emergency shall be available and on-call. The name, address and phone number of the substitute shall be part of the licensing record and shall be posted with other emergency numbers in the day care home.

40.62.080 Daily Activities and Care of the Child - Daily Activities.

Evacuation drills for emergencies such as fires, tornadoes, etc., shall be practiced regularly and the plan posted in a conspicuous place.

Care of the Child - Emergency Medical Care.

In case of illness, accident or injury to any child, the day care facility shall make prompt arrangements for notification of parent or guardian and for medical care if necessary.

Parents shall be notified immediately of all illness or injury to the child and specific instruction regarding action to be taken shall be obtained.

The information regarding the illness, accident, or injury shall be noted in the child's record.

When planning for activities away from the facility an adequate plan to be followed in an emergency shall be established in advance.

727. First Aid Supplies

40.62.080 Daily Activities and Care of the Child - Care of the Child - First Aid.

The day care facility shall maintain first aid supplies sufficient to care for minor injuries.

First aid supplies shall be kept in a room or cabinet which is inaccessible to the children.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

40.62.090 Nutrition and Food Service.

The diet shall be planned according to recognized nutritional standards. The day care home shall provide the child with approximately one-third to one-half of his daily food needs.

A morning snack of fruit juice, raw fruit or vegetable, or other light food and an afternoon snack of milk and crackers, fruit juice, raw fruit or vegetable, or similar food shall be served to the children.

Meals shall be balanced and contain a portion from each of the four basic foods.

One serving of milk per child shall be served each day.

Formulas and special foods for infants and toddlers shall be furnished by the parents. There shall be individual identification on each container. Any unused portion shall be discarded.

Drinking water shall be readily available and conveniently located both to the playrooms and to the playground so that the children are free to drink as they wish.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

40.62.020 Physical Requirements of the Home - Indoor Space - Kitchen.

The kitchen shall be equipped with a stove, sink, hot and cold running water, refrigeration, and storage space for food, dishes, and cooking utensils.

Kitchens shall not be used for children's play activities unless they are adult-supervised and part of the learning program.

Kitchens shall not be used for napping.

40.62.090 Nutrition and Food Service.

The water and milk supply shall be approved by the local or state health authorities and the method of dispensing shall also be approved.

Children shall be allowed ample time to eat, and shall not be forced to eat.

Information about the menus shall be available to the parents, (preferably on a weekly basis in advance) to make it possible for the parents to provide the balance of the child's dietary needs on a planned basis.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

40.62.070 Admission Policies and Procedures.

Children who are diagnosed as physically handicapped, emotionally disturbed, or developmentally disabled shall be accepted only upon referral from a professionally qualified source and an individualized plan for specialized care shall be on file for each such child.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

40.62.020 Physical Requirements of the Home - Indoor Space.

The area designated for child care shall provide a minimum of 35 square feet of useable floor space per child. Floor space occupied by permanent built-in cabinets or shelves, or large pieces of furniture or equipment not intended for children's use, may not be considered as usable floor space. Kitchen and bathroom areas shall not be counted.

There shall be storage space accessible to children for play materials and equipment.

Provisions for space for a child's clothing and other personal belongings shall be made.

Basements: A "basement" is any lower level of a home without a direct exit outside at ground level.

No basement area shall be used for complete child care.

If a basement area of a building is used for any of the children's activities, it shall be approved by a fire inspector, shall have two exits, be warm, dry, well-ventilated, and well-lighted.

Children shall have no access from the approved basement play area to other basement areas.

Outdoor Play Space.

There shall be outdoor play area conveniently located to permit children to reach it without hazard.

There shall be a minimum of 75 square feet of outdoor play area per child at time of use.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

40.62.020 Physical Requirements of the Home - Indoor Space.

The home or apartment shall be dry, well-heated, well-ventilated and well-lighted. Temperature of the rooms shall be no less than 68 degrees Fahrenheit (20 degrees Centigrade).

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

40.62.020 Physical Requirements of the Home - Indoor Space - Bathroom Facilities.

There shall be a flush toilet and running water handwashing facility or facilities.

Toilet and handwashing facilities shall be convenient and easily available for the children's use and be in working order.

Individual towels and washcloths or soft, absorbent paper towels shall be provided for the children.

Potty chairs shall be located in the bathroom and shall be emptied and rinsed after each use. They must be thoroughly cleaned and disinfected daily.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

40.62.020 Physical Requirements of the Home.

The building and premises shall conform to construction, maintenance, water supply, zoning and sanitation requirements of the locality and/or the state regulations of the State Fire Marshal.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Administrative Rules of Montana, Subchapter 9 - Day Care Home Centers and Facilities, July, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

III. Definitions

46.5.902 Definitions and Standards.

"Day care facility" means a person, association or place, incorporated or unincorporated, that receives in care during the day or part of the day, 3 or more children of separate families and continues this type of care for 5 or more consecutive weeks. It does not include a person who limits care to children who are related to him by blood or marriage or under his legal guardianship, and all group facilities established chiefly for educational purposes.

"Family day care home" means a home that provides care for no more than 6 children at a time and for no more than 2 children under 2 years of age — including the provider's own children who are less than 6 years of age.

"Full day care" means care given to a child(ren) in a center or home licensed by the agency for such, and provided for a continuous period of not less than 5 hours per day to 10 hours per day. This care includes one main meal, which may be breakfast, lunch, dinner/supper, and two snacks during the period of care.

"Part-time care" means care given to a child in a center or home licensed by the agency, whether day or night care, and provided for a period of less than 5 hours per day paid on an hourly basis.

46.5.909 Day Care Home Licensing Services, Eligibility Requirements.

A home must be licensed which receives from 3 to 6 children of separate families for 5 or more consecutive weeks for care for more than 4 hours during any 24 hour period.

A home must be licensed when the children cared for are not related by blood or marriage or under the legal guardianship of the operator.

A day care home may not provide care for more than 6 children (no more than 2 children under 2 years of age including the day care mother's children under 6 years of age).

112. Exclusions and Exemptions

See 111. Definitions

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE221. Application and Issuance

46.5.908 Day Care Home Licensing Services, Procedures for Obtaining Services.

Any individual may apply for a license to operate a day care home by filling out an application for license, which can be obtained at any SRS office.

Any individual, group or other agency may request that the agency determine whether or not a home should be licensed according to law. Referral may be either in writing or by telephone.

Licenses are issued from an SRS district office.

Duration of the license is the decision of the social service supervisor, not to exceed one year.

222. Fee Charged

Not specified

223. Areas of Investigation

46.5.909 Day Care Home Licensing Services, Eligibility Requirements.

A department social worker does a study and evaluation of the day care home and makes a recommendation as to licensing.

The social service supervisor reviews the study and has the final licensing decision.

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

233. Remedies and Sanctions

46.5.909 Day Care Home Licensing Services, Eligibility Requirements.

At any time a facility is found out of conformity with licensing standards the license may be revoked by written notification from the social service supervisor. The notification will include the reasons for revocation and advice to the operator of the right of appeal.

233.1 Hearings

Not specified

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

475

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

46.5.910 Day Care Home Licensing Services Provided.

The department will provide the following:

assistance to the applicant to meet licensing standards;

counseling services concerning children's problems;

assistance to the day care mother in providing enrichment experiences for the children, proper environment and nutrition; and

supplying the operator with the proper forms to obtain agency placement.

Each month the operator must submit a voucher for child care services, to an SRS district office before deadline date, as established by the SRS district office.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

46.5.909 Day Care Home Licensing Services, Eligibility Requirements.

Family day care homes must have fire and public liability insurance.

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

Not specified

342. Staff

46.5.909 Day Care Home Licensing Services, Eligibility Requirements.

The day care operator must provide the department with a physician's report-child care personnel, which can be obtained from any SRS office.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

477

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

46.5.909 Day Care Home Licensing Services, Eligibility Requirements.

A day care home may not provide care for more than 6 children (no more than 2 children under 2 years of age including the day care mother's children under 6 years of age).

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Not specified

512. HealthSee 342. Staff513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 342. Staff

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

470

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Not specified

612. Program Equipment and Materials

Not specified

613. Nap Provision

Not specified

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

Not specified

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

46.5.909 Day Care Home Licensing Services, Eligibility Requirements.

Day care operator must have a signed medical request, on file if the child is receiving any medication. This form can be obtained from any SRS office.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

431

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Not specified

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Not specified

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

433

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Nebraska Department of Public Welfare, Rules for Family Day Care, November, 1978.

100. STATE REGISTRATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO REGISTRATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Definitions.

1. Day Care is the provision of care to children under 16 years of age from more than one family for less than 12 hours per day for compensation, on a regular basis, by a person other than their parents/guardians.

3. Family Day Care Home is a private home providing care for compensation for children from more than one family not to exceed twelve consecutive hours for any one child.

112. Exclusions and Exemptions

13. Exemptions.

The following services are exempt from registration but may voluntarily be registered:

Facilities providing irregular care

Care that is provided without charge or any form of compensation

Care given to children from one family only

Care provided to children 16 years of age or older

Care provided by grandparents to their grandchildren

Care provided within geographic territories not subject to State laws such as military installation or Indian reservations.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR REGISTRATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. REGISTRATION PROCESS AND ENFORCEMENT PROCEDURES

210. REGISTRATION PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. REGISTRATION PROCEDURE

221. Application and Issuance

12. Registration Required.

Registration shall be required when a business is exercising the care, supervision, custody or control over children, under 16, years of age, from more than one family, for compensation or hire. This care must be in lieu of the care or supervision normally exercised by parents in their own home.

14. Registration Issuance:

All family day care home registration certificates shall be:

Issued by the Division of Social Services - Central Office

Effective for one year from date of initial issuance

Effective only for the address stated on the registration certificate.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. Certificate Renewal

Not specified

225. Conditional/Provisional Certificate

Not specified

226. Substantial Compliance

Alternative Compliance with Rules.

The Department may grant alternative compliance with Rules if, as determined by the Department, the alternative form of compliance offers equal protection to children and meets the intent of the rule for which the alternative compliance is sought.

The Department shall consider requests for alternative compliance with Rules for Family Day Care except for those rules on adult-child ratio.

Procedure

A request for alternative compliance may be granted under the following conditions:

The applicant/registrant shall submit the request for alternative compliance in writing.

That request shall include:

The rule for which the alternative compliance is sought.

An explanation of why the rule cannot be met.

Justification (how facility will continue to provide for the health and safety of the children as intended by the rule if the request for alternative compliance is granted).

A written request shall be submitted for each rule that will be complied with in an alternative form.

The alternative compliance is effective for the duration of the registration and shall be requested with each subsequent application if it is to be continued.

The applicant/registrant must provide clear and supportive evidence including, at the request of the Department, expert opinion.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

The Caregiver.

23. The caregiver shall permit home visits, unannounced or announced, by agency representatives at reasonable times during the hours children are in care.

232. Denial, Suspension, Revocation of a License

Not specified

233. Remedies and Sanctions

233.1 Hearings

Not specified

233.2 Decisions

Not specified

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

The Caregiver.

19. The applicant shall provide the names, addresses, and telephone numbers of three non-relative references and permission to contact such individuals.

23. The caregiver shall give parents placing a child(ren) in a family day care home a Parent Handbook and shall send to the Local Welfare Office a receipt indicating that the parent has received a handbook.

25. The caregiver shall not provide care for any one child for more than 12 hour period on a regular basis.

27. The caregiver shall not be engaged in any other employment that interferes with the care of the children.

312. Telephone

The Home.

56. An operable telephone shall be available.

57. Emergency phone numbers shall be prominently posted.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

The Caregiver.

16. No license shall be issued or remain in effect if there is a conviction for, an admission of, or substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude on the part of the caregiver or any other household member.

17. The caregiver and household members shall not engage in or have a history of behaviors so as to injure or endanger the health or morals of the children in care.

18. The caregiver's name shall be cleared with the Child Abuse and Neglect Registry before issuance of a registration certificate.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

The Caregiver.

28. A Child's Record (DSS-0363) shall be completed and kept current for each child in care.

Program.

34. The caregiver shall obtain written permission from parents to allow school-age children to engage in activities outside the day care home without direct provider supervision.

342. Staff

The Caregiver.

20. The caregiver shall provide a Health Information Report (DSS-0913) indicating ability to provide care for and/or to be in contact with children.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

Program.

29. If care is to be provided only for infants, no more than four children may be cared for at any one time including the caregiver's own children under eight years of age.

30. If the caregiver's own children are of school age and care is to be provided only for other school-age children, no more than ten children including the caregiver's own children under eight years of age may be cared for at any one time.

31. Care for children of mixed ages, (infants, pre-school, school age) is limited to eight children at any one time including the caregiver's own children under eight years of age. No more than two children may be under eighteen months of age.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

The Caregiver.

15. The caregiver shall be at least 19 years of age.

512. Health

See 342. Staff

513. Education

Not specified

514. Experience

The Caregiver.

21. The caregiver shall be able to read and understand the Rules for Family Day Care, capable of handling emergency situations, and able to administer medications.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 342. Staff

523. Education

Not specified

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Program.

32. The caregiver shall establish a plan of daily activities and routines including:

Active and quiet play

Free play

Indoor play and outdoor play as weather permits

Rest periods

Meals and snacks

Evening Care.

63. The caregiver shall be awake until all children are asleep.

612. Program Equipment and Materials

Program.

33. Play materials which are safe, in good repair, and appropriate to the age and interests of the children shall be available for both indoor and outdoor play.

613. Nap Provision

Program.

42. Each child shall have a nap or quiet time during the day.

43. Clean beds, cribs, cots, or mats shall be available for napping for each child (siblings may share a bed).

Evening Care

62. Clean cots or beds for each child shall be fitted with a firm, waterproof mattress.

614. Discipline and Guidance

Program.

35. No child shall be punched, shaken, struck with any inanimate object, handled roughly, or bitten as a form of discipline.

36. Spanking (only the open hand on the buttocks) to prevent children from harming themselves, other persons, or property, may be used only if the caregiver has obtained prior written permission from the parent(s).

37. Children shall not be punished by denial of food, by forced napping, or because of a toilet training accident.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

Child Health.

45. No child shall be enrolled in a family day care home unless a current record of immunizations or a written program for further immunizations has been obtained.

714. Sanitation

Evening Care.

66. Children shall have shower, tub, or sponge bath as directed by parents.

Health and Sanitation.

67. All rooms used for child care shall be clean and dry.

68. All floors, walls ceilings, and furniture shall be of cleanable construction and in good repair.

69. Doors opening to the outside shall be self-closing (except for sliding doors), and all windows used for ventilatory purposes shall be screened.

70. Buildings shall be constructed to prevent the entrance and harborage of rodents.

75. The water supply shall meet current standards as set forth by the Nebraska Department of Health. (Water sample test verification shall be submitted for non-municipal systems.)

76. There shall be no open sewage discharge on the day care home property.

77. The use of a common drinking container is prohibited. Drinking water shall be provided by sanitary drinking fountains or individual cups.

78. Individual towels and washcloths and facilities for their storage shall be available. Common use of towels and washcloths is prohibited.

79. All medications, cleaning agents, and poisons shall be kept under lock and key and inaccessible to children.

82. Proof of vaccination for rabies and distemper shall be available for all household pets.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Child Health.

46. The caregiver shall notify all parents of any communicable disease outbreak in the day care home.

717. Medication and Special Diet Provisions

Child Health.

48. Medication, both prescription and non-prescription, shall be given or applied only with prior written permission and written instructions from a parent. Medication shall be in the original container, stored according to

instructions, clearly labeled for a named child, and returned to the parent or destroyed when no longer needed. The caregiver shall maintain a record as to the time and the amount of medication given or applied.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

The Home.

55. If there are unsafe areas such as drainage ditches, wells, holes, or heavy street traffic in or near the outdoor play area for preschoolers, there shall be a fence and supervision by a person 16 years or older. If a fence is not required, the children shall be accompanied and supervised by a person 16 years or older during outdoor play.

Health and Sanitation.

81. Weapons and ammunition shall be contained in locked storage.

722. Fire Safety Requirements

Evening Care.

64. A UL listed home-type smoke alarm shall be available on all floors on which children sleep.

65. Children under eight years of age shall sleep only on a floor level where an adult is present.

Fire Safety.

91. There shall be at least two unblocked exits from every floor on which child care is provided. One of the exits shall lead directly to the outside.

92. There shall be at least one five pound ABC type dry chemical fire extinguisher available.

93. Furnaces and water heaters, when located in the areas occupied by children, shall be made inaccessible to the children.

94. All storage areas shall be free from combustible materials.

95. Bathroom and closet doors shall be designed so they can be unlocked from the outside.

96. Fire drills shall be practiced with the children.

By the authority found in Nebraska Statutes 81-502 the Fire Marshal has the power to ask for additional requirements for specially constructed facilities.

723. Transportation

Transportation.

49. The adult-child ratio shall be maintained when transporting children.

50. Parent or guardian's signed permission shall be required to transport children from the day care home to outside activities.

51. The number of children transported at any one time shall not exceed the seating capacity indicated by the vehicle manufacturer.

52. Age appropriate safety restraints shall be provided for each child transported.

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Child Health.

47. A first aid kit containing the following shall be available for the treatment of minor injuries but inaccessible to the children: fever thermometer, soap, band-aids, sterile gauze pads, tweezers, tape and scissors.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Program.

38. When children are present:

2 1/2 to 4 hours - one snack shall be served

4 to 8 hours - one snack and one meal shall be served

8 to 10 hours - two snacks and two meals shall be served

10 or more hours - two snacks and two meals shall be served

39. Each meal served shall include servings from each of the following food groups:

Milk group

Meat group

Vegetable and fruit group

Bread and cereal group

40. Each snack served shall include a serving from two of the following food groups:

- Milk group
- Meat group
- Vegetable and fruit group
- Bread and cereal group

41. Information about menus shall be made available to parents upon request.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Health and Sanitation.

83. No animal shall be allowed in the food preparation and serving areas during the hours of operation of the day care home.

84. All food preparation, serving, and storage areas, equipment and utensils shall be easily cleanable and in good repair.

85. Utensils shall be properly cleaned, sanitized, and handled, and stored in a proper manner.

86. All perishable foods shall be stored in a safe temperature (45 degrees Fahrenheit or below) and in a covered container.

87. Deep freezers with self-locking latches shall be locked or stored in a locked room.

88. All food served to children shall be clean and wholesome.

89. No home-canned foods shall be served to day care children.

90. Only pasteurized grade A milk and milk products shall be served to children. Dry milk and milk products shall be made from pasteurized milk and milk products.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Infant Care.

In addition to the rules set forth on the preceding pages, family day care homes offering care to infants shall meet the following requirements:

58. Infants shall be held, rocked, carried, and/or bathed and be given time to explore the environment each day.

1120. HEALTH AND SAFETY REQUIREMENTS

Health and Sanitation.

Enclosed, waterproof containers shall be provided for storing soiled, wet clothing.

Infant Care.

61. Equipment used in the care of infants shall be free of small parts, sharp edges and not easily breakable.

1130. INFANT NUTRITION

Infant Care.

59. Infants shall be fed according to a plan agreed upon by parent and caregiver.

60. Infants under six months shall be held during bottle feeding.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

The Home.

52. At least 35 square feet of indoor space per child (excluding areas not designated for child care) shall be available.

54. At least 50 square feet of outdoor space per child shall be available for each child in care.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Health and Sanitation.

71. Heating, ventilating, and lighting facilities shall be adequate for the protection of the health of children.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Health and Sanitation.

72. A toilet for every 11 persons shall be conveniently located, clean, and in good repair.

73. A lavatory for every 11 persons, hot and cold running water, and soap shall be available.

74. Lavatories shall be of a suitable height for children or a steady platform shall be provided.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

The Caregiver.

24. The caregiver shall be responsible for determining that all local codes, ordinances, and zoning requirements are met. The authority of the Department of Public Welfare to register child care homes is independent of and separate from any local zoning requirements that may exist. Compliance or non-compliance with local requirements shall not be grounds for denial or revocation of any registration.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

FAMILY DAY CARE HOMES

NEVADA

Nevada license Family Day Care Homes under the same set of regulations as Day Care Centers. See DAY CARE CENTERS.

Except where otherwise noted, all citations are from the New Hampshire Licensing and Operating Requirements for Family Day Care Homes, April 1981.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

II Definitions.

Family day care home: An occupied residence in which child care is regularly provided for any part of a day (but less than 24 hours except in emergencies) for one to six children. These children are from one or more unrelated families. The maximum of six children includes children under six years of age who are living in the home and children received for child care related to the resident provider.

Family group day care home: An occupied residence in which child care is regularly provided for any part of a day (but less than 24 hours except in emergencies) for seven to twelve children. These children are from one or more unrelated families. The maximum of 12 children includes children under six years of age who are living in the home and children received for child care who are related to the provider.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

Not specified

312. Telephone

III Operating Requirements.

In family day care/family group day care homes, there must be a telephone. Immediately adjacent to the telephone, emergency telephone numbers must be posted; these must include numbers for the fire and police department, physician, hospital/clinic, ambulance service, and poison control center.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

III Operating Requirements.

Any day care home receiving public monetary support may not deny admission to or exclude from any program any child on the basis of his race, color, or country of national origin.

340. RECORDS REQUIREMENTS341. Children

III Operating Requirements.

Before a child is admitted to the home, the provider must obtain the following information from the child's parent(s) or guardian(s) and record it either on Form 196, "Child Day Care Registration and Emergency Information Form," or on a form designed by the provider which contains the same information:

the child's full legal name, birth date and current address;

the name and address of the parent(s) or guardian(s) legally responsible for the child;

telephone numbers or instructions as to how the parent(s) or guardian(s) may be reached, either at home or work and during those hours that the child is normally with the provider;

names, addresses, and telephone numbers of person(s) who can assume responsibility for the child if for some reason the parent(s) or guardian(s) cannot be reached immediately in an emergency;

permission for emergency medical transportation and treatment;

names and addresses and telephone numbers of person(s) authorized to take the child from the day care home;

permission obtained from the child's parent or guardian in advance if the provider wishes to take the child on a field trip or outing.

See also 711. General Health Requirements

342. Staff

III Operating Requirements.

Written evidence must be on file in the District Welfare Office which states that the provider, his/her staff, and other family members who are in frequent and substantial contact with the children are free from health problems which would have a harmful effect on children, or would affect the provider's ability to care for the children. Such evidence is recorded on Form 24, "Certificate of Health For Child Care Personnel," and must consist of:

the results of a physical examination for the provider, his/her staff, and family members. These examinations may be done by any licensed health practitioner. The provider's examination is repeated every two years.

the results of a tuberculin test or chest x-ray administered to the provider and to each member of the family. (NOTE: a signed statement from a physician must be on file at the District Office if the physician does not feel that an infant or child family member should have a TB test.) The tuberculin test is repeated every two years and a certificate filed at the District Welfare office.

evidence that the provider's children have been immunized against childhood diseases according to the schedule recommended by the American Academy of Pediatrics.

18 mos. - 4 Years	4-6 years
4 DPT	5 DPT
4 Polio	4 Polio
1 Measles	1 Measles
1 Mumps	1 Mumps
1 Rubella	1 Rubella

343. Child Eligibility and Enrollment Requirements

See 711. General Health Requirements

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

III Operating Requirements Family Day Care Home (One Provider).

In a family day care home with one provider, a maximum of six children may be cared for, provided that no more than two children are under 18 months of age, including the caregiver's own preschool children. (An exception to the maximum number may be made at the discretion of the Division when school-age children are cared for after school for a short time or for a meal.)

When four children under 36 months of age are cared for, the provider is limited to a total of four children, including her own preschool children. No more than two children may be under 18 months of age. These limitations have been set because of the extra care and personal attention required for infants.

The chart below shows the number of children of different ages which the family day care provider may care for at one time.

Maximum Total	Infant 0-17 mos.	Toddler 18-35 mos.	Preschool and up 36 mos.
6	0	0	6
6	0	1	5
6	1	0	5
6	0	2	4
6	2	0	4
6	2	1	3
4	0	4	0
4	2	2	0

Family Group Day Care Provider (Two Providers)

In a family day care home with two qualified providers, a maximum of 12 children may be cared for, provided that no more than three children are under 18 months. (An exception to the maximum number may be made at the discretion of the Division when school-age children are cared for after school for a short time or for a meal.)

A family group day care home is limited to 10 children under the age of six when four of the 10 children are under 36 months of age.

A family group day care home with two qualified providers which intends to serve five or more children under 36 months of age must meet the Regulations and Standards for Day Care Nurseries (See Form 187).

The chart below shows the number of children of different ages which the family day care provider may care for at one time.

Maximum Total	Infant 0-17 mos.	Toddler 18-35 mos.	Preschool and up 36 mos.
12	0	0	12
12	0	1	11
12	1	0	11
12	2	0	10
12	0	2	10
12	1	1	10
12	3	0	9
12	0	3	9
12	2	1	9
12	1	2	9
10	3	1	6
10	1	3	6
10	2	2	6
10	0	4	6

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

III Operating Requirements.

The number of children in attendance at the home may at no time exceed the number stated on its license to operate.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

III Operating Requirements.

The provider must be at least 18 years of age and under age 70 and must be able to read and write. The presence of persons below the age of 18 may not be counted toward meeting the child/staff ratio.

512. Health

See 342. Staff

513. Education

Not specified

514. Experience

III Operating Requirements.

The provider must:

be able to praise and encourage children and provide them with a variety of learning and social experiences appropriate to the age of the child served;

be able to communicate with parents and children in their own language whenever possible;

be able to recognize and act against hazards to physical safety;

possess the capacity and willingness to increase child care skills and competence through experience and training;

be able to work with children without recourse to physical punishment or abusive language.

No individual who has been convicted of child abuse or neglect, sexual abuse, is awaiting trial on such charges or is an open protective case with the New Hampshire Division of Welfare may operate or be employed in a family day care or family group day care home.

If the provider is engaged in other employment during the hours in which he/she is not providing family day care, the duration and physical demands of such employment must not interfere with his/her ability to provide family day care. The provider may not provide family day care directly following all night employment.

Whenever any person substitutes for the day care provider, he/she must be 18 years of age or older.

The day care provider must notify the parents of children attending the facility in advance whenever someone will be substituting for the provider.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

516

522. Health

See 342. Staff

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

III Operating Requirements.

The daily schedule of the day care home must provide for:

regular activities which include time for meals, snacks, sleep, toileting,
and indoor-outdoor play;

a balance of quiet and active opportunities for play, and enough flexibility to meet the needs of individual children;

opportunities for individual self-expression in conversation, imaginative play and creative activities;

opportunities for the child to participate in such activities as preparing meals, taking out or putting away materials, caring for his/her clothing and bedding in order to develop ability to care for himself/herself.

612. Program Equipment and Materials

Not specified

613. Nap Provision

III Operating Requirements.

Clean, comfortable rest facilities are to be provided where a child can sit quietly or lie down to rest. A nap period must be provided for children. For children unable to sleep, time and space for rest and quiet must be available.

614. Discipline and Guidance

III Operating Requirements.

The family day care provider must support the child's behavior with positive guidance, and the setting of clear-cut limits which will foster the child's own ability to be self-disciplined.

Providers may not use forms of punishment which are humiliating, shaming, frightening or otherwise damaging to children....

No corporal punishment may be administered.

Punishment must not be associated with food, rest, toilet training or isolation for illness.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

III Operating Requirements.

Each child must have a physical examination done by a licensed health practitioner upon entering the family day care home and at least every two years thereafter. Results of the examination must be recorded on Division of Welfare Form 183, "Child Health Form," and be on file with the family day care provider within 60 days of enrollment.

No child with a communicable disease such as conjunctivitis, measles, scarlet fever, German measles, mumps, chicken pox, hepatitis, strep throat, scabies, impetigo, pediculosis, or ringworm may be accepted for care until proper medical treatment has been given and the child is no longer contagious.

The provider must inform all parents whenever a reportable communicable disease is identified among children or personnel. The provider must also inform the local health officer or the Division of Public Health, Bureau of Communicable Disease Control (1-800-852-3345) about reportable communicable diseases.

712. Health Assessments

Not specified

713. Immunizations

III Operating Requirements.

...Evidence must be included on Form 183 that the child has been immunized according to the schedule prescribed by the American Academy of Pediatrics.

714. Sanitation

III Operating Requirements.

There must be an adequate supply of hot and cold water under pressure which is available for drinking and household use. Water not from a public supply must be adequately treated and tested by the State or at a local office of the Public Health Department.

There must be adequate sanitary facilities which are approved by and in compliance with local regulations.

There must be protection against insects and rodents.

All pets in the home must be vaccinated, if appropriate. Dogs must have rabies tags. The presence of pets in the home must not present a hazard to the children.

Provision must be made for the individual use and storage of such personal items as towels, washcloths, combs, and toothbrushes.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

III Operating Requirements.

...Where special dietary needs exist, arrangements for providing such diets must be made with the parent.

718. Waiver of Health Requirements

III Operating Requirements.

Parents/guardians may request the family day care provider to exempt their child on religious grounds from undergoing the required physical examinations and immunizations prior to entering the day care facility. The day care provider has the option of deciding whether or not to allow the exemption and enroll the child. However, the provider should follow a consistent policy concerning these exemptions (e.g., the provider should not enroll one child who has been exempted on religious grounds from the physical examination and immunizations and refuse to enroll another child in the same situation). The provider should also keep a list of children enrolled in the facility who have been allowed the exemption.

If the provider allows the exemption and enrolls the child, and should a case of measles occur at the day care home, the exempted child may not attend the day care home for at least two weeks from the onset of the disease or until two weeks after the last case has been reported.

The parent or guardian of the exempted child must sign a form provided by the Division which states that he/she understands the above-mentioned provisions and agrees to abide by the Division of Public Health's decision regarding an outbreak of communicable disease as it affects the child's attendance at the day care home. The form is given out by the day care provider and must be signed before the child enters the day care facility.

720. SAFETY721. General Safety Requirements

III Operating Requirements.

The environment must be free of any condition which may be hazardous to children in terms of their particular ages or capacities.

All toxic materials such as cleaners, medicines, household chemicals and paints must be stored separately from food items in an area inaccessible to children.

All requirements of the 1976 Life Safety Code for Family Day Care Homes or Family Group Day Care Homes must be met.

All areas used by the children must be maintained in good repair, and be clean, well lighted, and free from safety hazards.

Where indicated, paint which may contain excessive amounts of lead (particularly in older buildings) should be surveyed. If excessive amounts of lead are found, corrective action must be taken.

Large glass panels (doors or windows) which could be accidentally impacted by children must be constructed of safety glass.

Trash collection, receptacles and burning facilities must be separated from the children's play areas.

722. Fire Safety Requirements

III Operating Requirements.

Fire drills must be conducted at least once a month and a log kept for review by local fire inspectors. The log must include the date, time, exits used, the number of children who participated and any specific problems that need to be resolved.

Stairs, walkways, ramps and porches must be kept free of accumulations of ice, water, and snow and must not be cluttered by objects that would obstruct the walkways or cause a fire hazard.

723. Transportation

III Operating Requirements.

There shall be two adults in attendance whenever seven or more children aged three to six are transported, and whenever three or more children under age three are transported.

No child may be left unattended in a vehicle.

A suitable infant restraint or seatbelt must be provided for each child and used when the vehicle is in motion.

Children must be instructed in safe transportation conduct as appropriate for their age and stage of development.

The vehicle and the driver must comply with all State and local laws.

724. Safety Requirements for Equipment

III Operating Requirements.

All recreational items, including toys, play equipment, and swimming pools must be constructed safely and be free of paint containing lead....

725. Water Activities (Including Swimming)

III Operating Requirements.

...All swimming pools (except for wading pools) must be fenced.

726. Emergency Procedures

III Operating Requirements.

...When a provider takes a child for emergency medical attention, provision must be made for ongoing care for the other children in the day care facility.

727. First Aid Supplies

III Operating Requirements.

The provider must have first aid supplies available and centrally located and there must be a planned source of available emergency medical care....

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

III Operating Requirements.

Family day care homes must provide meals and snacks of a quality and quantity to supplement food served at home, so that the child's daily nutritional needs are met.

Food should be given according to the following schedule:

3 to 4 hours - light, but nutritious mid-morning or afternoon snacks must be given at least two hours before the next meal.

5 to 8 hours - 1/3 to 1/2 of total daily food needs must be given in one meal (other than breakfast) and one or more snacks given.

9 hours or more - at least 2/3 of total daily food needs must be given, which includes two or more snacks.

812. Waiver of RequirementsSee 717. Medication and Special Diet Provisions

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

III Operating Requirements.

There must be facilities for the storage, preparation, and serving of all foods. (Prepackaged, presterilized formula must be used for each infant feeding, and any excess must be discarded.)....

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANT AND TODDLERS

1110. PROGRAM OF ACTIVITIES

III Operating Requirements.

A provider caring for infants and toddlers must arrange for the following:

availability of age-appropriate types of foods (see below);

an additional change of clothing;

a clean area for diaper changing and disposal of soiled diapers;

storage of clean diapers;

bathing of infants who are soiled;

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a crib or bed;

sanitation of training chairs.

The provider may supply milk or formula if he/she wishes, or arrange for parents to bring their own formula for the infant. The provider must see that the infant is fed at the required times. The bottle may not be propped during feeding. If there is any formula left in the infant's bottle after a feeding, it must be thrown out.

1120. HEALTH AND SAFETY REQUIREMENTS

See 1110. PROGRAM OF ACTIVITIES

1130. INFANT NUTRITION

See 1110. PROGRAM OF ACTIVITIES

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

III Operating Requirements.

When a child with special needs is cared for in a family day care/family group day care home, the provider must consult the child's parents, a physician or some other professional source in order to obtain instructions regarding the child's disability and ways of meeting the child's special needs.

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

III Operating Requirements.

There shall be a minimum of 35 square feet per child of floor area in quarters regularly occupied by children. This space must be exclusive of hallways, lockers, bathrooms, closets and offices.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

III Operating Requirements.

All enclosed areas used by the children must be adequately lighted, heated, and ventilated. Temperatures should be maintained at a comfortable level, but no less than 65oF.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

III Operating Requirements.

Fire drills must be conducted at least once a month and a log kept for review by local fire inspectors. The log must include the date, time, exits used, the number of children who participated and any specific problems that need to be resolved.

1530. BUILDING

Not specified

1540. HEALTH

III Operating Requirements.

The provider must inform all parents whenever a reportable communicable disease is identified among children or personnel. The provider must also inform the local health officer or the Division of Public Health, Bureau of Communicable Disease Control (1-800-852-3345) about reportable communicable diseases.

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise indicated, all citations are from the New York State Family Day Care Homes Regulations, 1975.

100. STATE CERTIFICATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO CERTIFICATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Section 458.1 Definitions.

As used in this Part, day care in a family home shall mean day care of not more than six children provided in an individual's own home.

Authorized child caring agency shall mean a social services district or a voluntary child caring agency which has been approved by the New York State Board of Social Welfare and granted legal authority to provide care in family day care homes.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR CERTIFICATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. CERTIFICATION PROCESS AND ENFORCEMENT PROCEDURES210. CERTIFICATION PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. CERTIFICATION PROCEDURE221. Application and Issuance

Section 458.2 Application for Permit or Certificate.

Upon request of an interested party, the Department or authorized child caring agency shall furnish such party information, application forms and a list of required documentation necessary to complete an application for permit or certificate.

An application for a permit to provide day care in a family home shall be made to the Department in the manner prescribed and on forms furnished by the Department.

An application for a certificate to provide day care in a family home shall be made in writing to the authorized agency if the applicant desires to receive children from such agency.

Within 30 days of the receipt of the application and required documentation, written notice of any omissions or deficiencies in the application or documentation shall be given by the Department or authorized child caring agency to the applicant.

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A notice of approval or denial of the application shall be issued by the Department or authorized child caring agency within 30 days of the completion of the investigation.

If the application is approved, the certificate or permit shall be issued to the applicant.

Section 458.3 Documentation for Family Day Care Permit or Certification.

The completed application, on forms furnished by the Department, must include:

A report of medical examination of the proposed operator and statement from a physician that other members of the household are in good health and free of communicable disease.

A diagram of applicant's house, showing rooms, number and location of exits and alternate means of egress, and description of outdoor play areas available to applicant.

Names, addresses and telephone numbers of references, from other than relatives who can attest to the applicant's character, habits, reputation and personal qualifications for providing child care.

A statement from an appropriate official or authority that the dwelling meets standards for sanitation and safety where local fire, health and/or building code authorities require approval.

A statement by the applicant, upon completion of the investigation by the Department or the authorized child care agency, that she understands the requirements for safety and sanitation, supervision of children, the nutrition and activities program and has the resources and intent to meet these requirements.

Section 458.4 Permits and Certificates.

Conditions for issuance. A permit or certificate shall be issued for day care in a family home only when:

The applicant and all members of the household enjoy good health and are of good character, habits and reputation;

The applicant's fitness to care for children is attested by satisfactory references.

Duration; revocation. A permit or certificate shall be valid as stated therein for one year or less from date of issuance and only for quarters then occupied, and may be revoked at any time for noncompliance with this Part or for other just cause.

Boarding home care. A permit or certificate shall not be issued to any applicant who provides boarding home care for children in the premises proposed to be utilized as a family day care home.

Provisions. The provisions specified on the permit or certificate shall be binding. The number and age range of children specified thereon shall be the maximum number and age range of children who may be in the care of the family day care home at any one time. For the purposes of this Part, children of the operator of a family day care home, who are under 14 years of age and are present in the home, shall be deemed children in the care of such home.

Transfer. A permit or certificate shall not be transferable to any other person.

222. Fee Charged**Section 458.4 Permits and Certificates.**

Fee. There shall be no fee or charge for the issuance of a permit or certificate.

223. Areas of Investigation

Section 458.2 Application for Permit or Certificate.

An investigation to determine the applicant's compliance with Department requirements and regulations shall be conducted by the Department or authorized child caring agency and shall be completed within 75 days of the receipt of the application. Such investigation will include visits and inspection, and necessary contacts with collateral references, review of the required documentation and of the applicant's proposed plan to provide day care in a family home.

224. Certificate Renewal

Not specified

225. Conditional/Provisional Certificate

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a Certificate

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Section 458.11 Supervision.

Children shall not be left without competent supervision at any time.

No person under 18 years of age shall be left in sole charge of the children at any time.

Provision shall be made for another person on whom the family day care mother can call in case of emergency or illness.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Section 458.4 Permits and Certificates.

Conditions for issuance. A permit or certificate shall be issued for day care in a family home only when the applicant gives satisfactory evidence of finances sufficient to operate properly and in accordance with these regulations.

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Section 458.6 Admission of Children.

Day care shall be available without discrimination on the basis of race, color or national origin.

340. RECORDS REQUIREMENTS341. Children

Section 458.14 Records.

Records shall be kept to include:

Name, address, sex, and date of birth of each child; parents' or guardians' names and addresses and place or places at which parents or other person responsible for the child can be reached in case of an emergency; and a daily attendance record;

Reports of physical examinations and immunizations of children.

342. Staff

See 512. Health

343. Child Eligibility and Enrollment Requirements

Section 458.6 Admission of Children.

No infant less than eight weeks of age shall be admitted for care.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Section 458.6 Admission of Children.

No more than two children under the age of two years shall be cared for at any one time.

No more than five children shall be cared for at any one time where one or more of the children in care are under three years of age.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Not specified

512. Health

Section 458.4 Permits and Certificates.

Conditions for issuance. A permit or certificate shall be issued for day care in a family home only when:

The applicant gives satisfactory evidence of good physical health, with no disqualifying mental or emotional handicaps and freedom from communicable disease. Physical fitness shall be shown by a certificate from a physician at the time of application with evidence of medical examinations and tuberculin tests on each person residing in the family day care home.

513. Education

Not specified

514. Experience

Section 458.4 Permits and Certificates.

Conditions for issuance. A permit or certificate shall be issued for day care in a family home only when the applicant gives satisfactory evidence of having had training or demonstrated an interest in and ability to care for children.

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

Not specified

522. HealthSee 512. Health523. Education

Not specified

524. ExperienceSee 514. Experience530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Section 458.9 Health Services.

Supervised outdoor play, for at least one hour for each half day in care shall be required for all children in care, except during inclement weather or unless otherwise ordered by a physician.

Section 458.12 Program.

The program of the family day care home shall include a schedule of meals, naps and play. Such schedule shall be sufficiently flexible to provide a family atmosphere and to meet the needs of individual children.

The program shall be varied in order to promote the physical and emotional well-being of the children, to encourage the acquisition of information and knowledge and to foster the development of language skills, concepts and problem solving abilities.

612. Program Equipment and Materials

Section 458.12 Program.

Each home shall have toys, games, books, equipment and material, for education development and creative expression appropriate to the age level of the children.

613. Nap Provision

Section 458.5 Physical Plant.

A firm, sanitary crib, cot or bed of adequate size shall be provided for each child under five years of age who spends more than four hours per day at the family day care home and for any other child requiring a rest period. No crib, cot or bed shall be occupied by more than one child.

See also 611. Program of Activities

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Section 458.5 Physical Plant.

The areas used for day care of children in the home shall have floors and walls which can be fully cleaned and maintained and which are nonhazardous to the children's clothes and health.

712. Health Assessments

Section 458.6 Admission of Children.

No child shall be accepted for care unless such child has received a complete medical examination by a physician within 30 days prior to admission, and a written statement signed by the examining physician has been furnished to the family day care home giving assurance that the child is free from contagious or communicable disease;

Section 458.9 Health Services.

Each child accepted for care shall have a complete physical examination including laboratory tests as indicated, a dental examination and an initial appraisal of his health and development, prior to admission or shortly thereafter, which shall be properly recorded.

713. Immunizations

Section 458.6 Admission of Children.

No child shall be accepted for care unless such child has received a complete medical examination by a physician within 30 days prior to admission, and a written statement signed by the examining physician has been furnished to the family day care home giving assurance that the child has received prophylaxis against smallpox, rubella, diphtheria, tetanus, pertussis, poliomyelitis and measles, when there are no medical contraindications.

714. Sanitation

Section 458.5 Physical Plant.

All buildings, premises, equipment and furnishings used for or in a family day care home shall be safe and suitable for the comfort and care of the children and shall be provided and maintained in a good state of repair and sanitation.

Rooms shall be effectively screened against insects.

Section 458.7 Sanitation.

All rooms, outdoor play space, equipment, supplies and furnishings shall be kept clean and sanitary at all times. The premises shall be kept free from dampness, odors, vermin and the accumulation of trash.

Section 458.8 Safety Precautions.

Any pet or animal on the premises, indoors or outdoors, shall be in good health, properly cared for, and known to be a friendly, suitable pet for children.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

Section 458.9 Health Services.

Children shall not be administered any medication (whether by prescription or otherwise), or special diet, and special medical procedures shall not be carried out, except upon the written order of a physician. Medication shall be carefully labeled with the child's name, kept beyond the reach of children and returned to the parents, guardian or person having custody of the child when no longer needed.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

Section 458.5 Physical Plant.

Toxic paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings which may be used by children or within their reach.

Section 458.8 Safety Precautions.

All flammable liquids, cleaning supplies, detergents, matches, lighters and any other such items which may be harmful to children shall be kept in a locked cabinet.

722. Fire Safety Requirements

Section 458.8 Safety Precautions.

Suitable precautions shall be taken to eliminate all conditions which may contribute or create a fire or safety hazard.

Electrical heaters or other portable heating devices shall not be used in rooms accessible to children regardless of the type of fuel used.

There shall be an adequate number of fire extinguishers which shall be tested and maintained in good working condition.

There shall be fire safety precautions established, and quarterly fire drills shall take place so that each child is made aware of these precautions.

723. Transportation

Not specified

724. Safety Requirements for Equipment

See 714. Sanitation and 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

See 722. Fire Safety Requirements

727. First Aid Supplies

Section 458.8 Safety Precautions.

The home shall be equipped with a first aid kit which shall be kept adequately stocked for emergency treatment. First aid supplies shall be kept in a clean container in a locked cabinet.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION811. Nutritional Requirements

Section 458.10 Dietary.

The family day care home shall provide plentiful and nutritious meals and snacks which shall be prepared in a safe and sanitary manner and served at appropriate intervals. Consultation should be available from a qualified nutritionist or food service specialist.

If a child is in the home for more than four hours per day, he shall be served a hot meal which shall supply at least one-third of the child's daily food requirements.

If a child is in the home for more than 10 hours per day, he shall be served two meals, of which at least one other than breakfast shall be hot, which shall supply at least two-thirds of the child's daily food requirements.

Where infants formula is required, it shall be prepared and provided by the parent or other responsible person in the infant's home.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Section 458.10 Dietary.

Milk shall be kept at a temperature below 50 degrees Fahrenheit. All perishable foods shall be kept refrigerated.

900. SOCIAL SERVICES

Section 458.13 Social Services.

The requirements contained in this section shall apply only to family day care homes operating under a certificate.

The certifying agency shall provide necessary social services to the children in family day care homes certified by it.

Appropriate information as to the family background and the individual capabilities and limitations of each child shall be obtained to assist in the introduction and participation of such child in the program of the family day care home.

544

The certifying agency shall make available to the child and his family, counseling and guidance to help determine the appropriateness of day care for the child in a family care home, and the possibility and desirability of alternative plans for care. Provision shall be made for referrals to other services which may be needed by a child and his family.

Provision shall be made for continuing assessment with the parents, guardian, or other person with legal custody, of the child's adjustment in the day care program and of the child's family situation.

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Section 458.5 Physical Plant.

All rooms to be occupied by children shall be above ground level and shall have windows.

There shall be space provided for isolation of the child who becomes ill to provide him with quiet and rest and reduce the risk of infection or contagion to others.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Section 458.5 Physical Plant.

Heating, ventilating and lighting facilities shall be adequate for protection of the health of the children. A temperature of at least 68 degrees shall be maintained in all rooms to be occupied by children.

1430. EXITS

Section 458.8 Safety Precautions.

Children shall be cared for only on such floors as are provided with readily accessible alternate means of egress which are remote from each other.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Section 458.7 Sanitation.

Each family day care home shall comply with the requirements of State and local departments of health. Adequate and safe water supply and sewage facilities shall be provided and shall comply with State and local laws.

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the North Carolina Administrative Code, Section 16, current as of March, 1981.

100. STATE REGISTRATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO REGISTRATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

.1506 Definition Of Day Care Plan.

A day care plan includes any day care program or child care arrangement where any person provides day care for more than one child and less than six children wherever operated and whether or not operated for profit. In determining the maximum number of children, all children five years of age or less and all nonresident children under 13 years of age shall be included.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR REGISTRATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. REGISTRATION PROCESS AND ENFORCEMENT PROCEDURES210. REGISTRATION PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. REGISTRATION PROCEDURE221. Application and Issuance

.1506 Definition Of Day Care Plan.

All operators of child day care plans as defined in North Carolina General Statutes must register with the Office of Child Day Care Licensing. Registration shall include receipt by this office of the following information:

name,
address,
telephone number,
number of children in care.

N. C. GEN. STAT. §110-101 Registration.

It shall be unlawful for any person to offer or provide a day-care plan unless such day-care plan is registered with the Commission in accordance with the system for registration which shall be developed by the Commission.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

Not specified

233. Remedies and Sanctions

233.1 Hearings

Not specified

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Not specified

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

N. C. GEN. STAT. §110-90.1 Qualifications for staff in a day-care plan.

No day-care plan shall be registered if that plan is operated by or employs any person who has been convicted of a crime involving child abuse, child neglect, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotics or other impairing drugs, or who is mentally retarded or mentally ill to an extent that may be injurious to children.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

Not specified

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

See III. Definitions

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHLD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

Not specified

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

Not specified

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

553

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Not specified

612. Program Equipment and Materials

Not specified

613. Nap Provision

Not specified

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 322. Constraints Against Employment

713. Immunizations

Not specified

714. Sanitation

Not specified

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Not specified

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

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1400. FACILITY REQUIREMENTS

1410. SPACE

Not specified

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Social Service Board of North Dakota, Chapter 75-03-01.1, Supplemental Parental Care and Family Day Care Regulations, January, 1981.

100. STATE REGISTRATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO REGISTRATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

N.D. CENT. CODE §50-11.1-02 Definitions.

"Family day care home" shall mean an occupied private residence in which supplemental parental care is regularly provided for no more than twelve children from more than one family.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR REGISTRATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. REGISTRATION PROCESS AND ENFORCEMENT PROCEDURES210. REGISTRATION PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. REGISTRATION PROCEDURE221. Application and Issuance

N.D. CENT. CODE §50-11.1-05 Operation of family day care home - Registration required - Issuance of registration certificate - Term.

No person, partnership, firm, corporation, association, or nongovernmental organization intending to provide supplemental parental care shall operate a family day care home without first procuring a family day care registration certificate from the board. The board shall determine whether the standards have been met and shall issue or deny a registration certificate based upon that determination. Family day care registration certificates shall be in force and effect for a period of not more than two years.

N.D. CENT. CODE §75-03-01.1-05 Family Day Care Home Supplemental Parental Care.

Any person, corporation, partnership, or voluntary association desiring to provide supplemental parental care in a family day care home shall apply for a registration certificate, therein certifying compliance with the applicable provisions of NDCC chapter 50-11.1 and the standards for such care established by the social service board of North Dakota and shall secure a registration certificate from the board.

Application shall be made to the county social service board office in the county wherein the applicant proposes to provide family day care home services.

Upon the approval of the application the applicant shall, subject to the provisions of these regulations, be entitled to a registration certificate issued by the social service board of North Dakota.

Any registration certificate issued by the social service board of North Dakota shall serve as public documentation that the provider of the family day care home has in writing certified compliance with the provisions of North Dakota Century Code chapter 50-11.1 and other applicable requirements.

An applicant for a registration certificate may be required to verify any claim of compliance with standards.

N.D. CENT. CODE §75-03-01.1-07 Registration Certificate.

No person, partnership, firm, corporation, association, or nongovernmental organization desiring to obtain a registration certificate to either provide in-home or family day care shall hold out or represent such registration as evidence of compliance with the applicable standards contained herein. Registration certificates are not transferable and are valid for the person registered and in the designated location only.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. Certificate Renewal

Not specified

225. Conditional/Provisional Certificates

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

N.D. CENT. CODE §75-03-01.1-06 Inspections.

In-home and family day care providers functioning within the purview of this chapter, or any premises proposed to be operated for in-home child care or a family day care home shall be open to investigation and inspection at any time by the social service board of North Dakota or its authorized agents. An inspection will be made upon receipt by the social service board, or its designee, of a complaint concerning the provider or the facility. The board may request the assistance of fire and sanitation inspectors.

232. Denial, Suspension, Revocation of a Certificate

N.D. CENT. CODE §75-03-01.1-09 Notices of Violations.

Any day care home which, after inspection, is found to be in violation of minimum standards and regulations shall receive written notice of the violations revealed by the inspection. Notice given in any of the following ways is sufficient.

A statement of deficiencies, which shall identify each violation and advise the day care provider that prompt action to correct the violation is expected.

A statement of violations, which shall include a date certain by which each violation will be corrected. Such a statement shall be issued only if:

The day care provider has, in writing, waived his right to a written statement of charges and his right to an administrative hearing, in the manner provided in NDCC Chapter 28-32, should his registration be revoked for failure to correct the state violations within the time set for correction, and

The day care provider has, in writing, acknowledged the violations and provided assurances of his ability and intention to correct the violations within the time set for their correction.

Written charges as to reasons for the denial or revocation of a registration certificate.

N.D. CENT. CODE §75-03-01.1-08 Denial or Revocation of Registration Certificate.

The social service board of North Dakota may revoke or deny a registration certificate issued to an in-home child care provider family day care home; provided that any person aggrieved by revocation or denial of a registration certificate has been informed in writing of the charges and reasons for revocation or denial and is afforded an administrative hearing in a manner prescribed by NDCC chapter 28-32, if written request for the hearing is made within ten days of receipt of the written charges.

The board may revoke or deny registration of a family day care home or in-home care provider should that provider:

fail to comply with these regulations;

Furnish or make any misleading or false statements or reports to the board;

Refuse to submit to the board any reports or refuse to make available to the board any records which the holder is required, by this chapter, to keep;

Refuse to submit to an investigation by the board;

Refuse to admit authorized representatives of the board at any time for the purpose of investigation;

Fail to provide, maintain, equip, or keep in safe and sanitary condition premises established or used for child care as required under standards prescribed herein, or as otherwise required by law, regulation, or ordinance applicable to the location of such facility; or

Fail to comply with the provisions of the child abuse and neglect reporting act, NDCC Chapter 50-25.1.

233. Remedies and Sanctions

233.1 Hearings

See. 232. Denial, Suspension, Revocation of a Certificate

233.2 Decisions

Not specified

233.3 Judicial Review

N.D. CENT. CODE §50-11.1-12 Violation of Chapter or Regulations - Injunction. When there is a violation of this chapter or a regulation promulgated thereunder, and the unlawful activity or condition of the day care center or family day care home is likely to result in serious harm to the children under care, the board may seek injunctive action against the day care center or family day care home in the district court through proceedings instituted by the attorney general on behalf of the board.

N.D. CENT. CODE §50-11.1-13 Penalty.

Any person, partnership, firm, corporation, association, or organization who violates any of the provisions of this chapter is guilty of a class B misdemeanor.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Records.
The current registration certificate for the family day care home must be available in the premises to which it applies.

A copy of the current standards for family day care homes shall be kept in the premises.

312. Telephone

75-03-01.0-05 Family Day Care Home Supplemental Parental Care - Health Protection.

The home shall have a telephone.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

N.D. CENT. CODE §50-11.1-06.1 Conviction not bar to licensure - Exceptions.
Conviction of an offense shall not disqualify a person from licensure under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as the owner or proprietor of a day care center, family day care home, or as a child care attendant, or that, following conviction of any offense, the person is not sufficiently rehabilitated.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

75.03-01.1-05 Family Day Care Home Supplemental Parental Care - Records.

The following records shall be kept and maintained for each child:

The child's full name, birthdate, current home address, names of the child's parents or legal guardian and business phone and home telephone numbers where those persons can be reached.

A health practitioner's health assessment statement completed annually.

A written statement from the parents or legal guardian authorizing emergency medical care.

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Names and addresses of persons authorized to take the child from the home.

Verification that the child has received all immunizations appropriate for his age, as prescribed by the North Dakota department of health.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Admissions Procedures.

The provider shall request a preadmission visit by the child and the child's parents to acquaint the child and the parent with the home and its surroundings, the other children, and the family day care provider.

The provider shall inform parents about the day care program, policies, and emergency procedures, and discuss information concerning the child so that the child's needs can be identified and accommodated. An explanation of how accidents and illnesses will be dealt with shall be provided.

Parents shall be notified of the payment rates and the time of payments.

The provider shall regularly offer parents opportunities to observe their children while in care.

A licensed health practitioner's statement based upon a health assessment shall be obtained at the time of initial admittance of the child to the day care home. No more than 6 months shall have elapsed between the examination and the date of initial admittance. The statement shall indicate any special precautions for diet, medication, or activity. This statement must be on record within 60 days of admittance to the home and be updated annually.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Records.

All records which are maintained with respect to children receiving day care services shall be deemed confidential and access shall be limited to the provider, his or her staff and parents and to the following:

Authorized social service board representatives.

Officers of the law or other legally constituted boards or agencies.

Persons having a definite interest in the well-being of the child or children concerned and who, in the judgement of the board are in a position to serve their interests should that be necessary.

Persons who possess a written authorization from the child's parent.

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400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Affidavit of standard compliance - standards for provision of supplemental parental care in family day care home.

The staffing requirements are determined on the basis of the number of children physically in care at a given time, rather than total enrollment.

Family day care homes staffed by one caregiver may:

Provide care to no more than three children under the age of two years and no more than a total of six children; or

Provide care to no more than four children under age two but to no other children except the caregiver's own children over the age of six years; or

Provide care to seven children, all of whom are age two or older; and

Provide care for three additional children of school age before and after school and during school holiday vacations.

Where one or more children is a child with a handicapping condition which requires more than usual care, the child's evaluated developmental age level, rather than chronological age level, will be used in determining the number of children for which care can be provided.

Family day care homes staffed by two or more caregivers may:

Provide care to no more than six children under the age of two years and a total of no more than twelve children; or

Provide care to no more than eight children under age two but to no other children except the caregiver's own children over the age of six years.

Where one or more children is a child with a handicapping condition which requires more than usual care, the child's evaluated developmental age level, rather than chronological age level, will be used in determining the number of children for which care can be provided.

The children of any caregiver present in the home, under age six and not in school shall be counted among the children for whom care is provided.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

75-03-01.1-05 Family Day Care Home Supplemental Parental Care.

All Caregivers who provide direct care, supervision and guidance to children must be at least 14 years of age or, if a member of the immediate family of the family day care provider, be at least 12 years of age.

512. Health

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Health Factors.

Family day care home providers shall complete a health statement to certify that they do not have health problems that would interfere with their functioning as caregivers or that would be detrimental to the health of the children or other staff.

If the physical or mental health of a provider appears questionable, the social service board of North Dakota may require the provider to be evaluated by appropriate professionals, with the results provided to the board.

Providers shall not use any drugs or alcoholic beverages except for medical purposes while children are in care.

513. Education

Not specified

514. Experience

75-03-01.1-05 Family Day Care Home Supplemental Parental Care.

All caregivers who provide direct care, supervision, and guidance to children must be mentally, physically, and emotionally able to provide adequate care for the children in the applicant's charge.

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

75-03-01.1-05 Family Day Care Home Supplemental Parental Care.

Family Day care providers are persons who are primarily responsible for the child caregiving. They shall be at least 18 years of age.

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

75-03-01.1-05 Family Day Care Home Supplemental Parental Care.

All volunteers, including family members providing direct care for children, shall meet the minimum requirements of caregivers.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

75-03-01.1-05 Family Day Care Home Supplemental Parental Care.

Family day care providers shall certify attendance at a minimum of 4 hours of Board-approved training related to child care annually when made available in the provider's community.

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Program.

There shall be a program of daily activities appropriate to the ages and needs of the children in the family day care home. The program shall include activities which foster sound social, intellectual, emotional, and physical growth.

The program shall be designed with intervals of stimulation and relaxation, and a balance between periods of active play and quiet play or rest. The daily routine should foster the development of good health habits and self-discipline, adequate indoor and outdoor play, rest, and sleep with sufficient time and opportunities for various experiences.

The program shall provide children in the day care home with opportunities for individual and small group activities.

The program of the center shall reflect the special needs of the children who are provided drop-in service.

612. Program Equipment and Materials

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Program.
The program shall provide for a variety of educational experiences for all ages of children served with an adequate supply of safe play equipment, toys, and materials for indoor and outdoor activity.

613. Nap Provision

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Program.
Areas used for napping shall provide an opportunity for undisturbed rest. Napping schedules should be set for children according to their ages, needs, and parent's wishes.

614. Discipline and Guidance

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Punishment.

No child shall be punished by withholding or forcefeeding food, requiring or prohibiting rest or by placement in isolation. No child shall be punished for wetting or soiling clothes due to a failure of toilet habits.

Brief, supervised separation from the rest of the children may be used if necessary.

No method of punishment which humiliates or frightens the child or causes more than minor transient physical and/or emotional discomfort, shall be used.

No child of any age may be shaken, hit, spanked, bitten, pinched, or otherwise physically punished, except that a parent may give written permission to the registrant to spank the child with an open hand on the buttocks. A registrant may refuse to permit physical punishment of any kind.

Profane, threatening, unduly loud or abusive language shall not be used when addressing children or in the presence of children.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 343. Child Eligibility and Enrollment Requirements

713. Immunizations

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Health Protection.

All children shall receive all immunizations appropriate for their age, as prescribed by the North Dakota state department of health.

714. Sanitation

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Physical Facilities.

The home shall be clean, and free of clutter and maintained in a sanitary condition. Rubbish shall be regularly removed.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Health Protection.

Plans shall be made to respond to minor illnesses when children can be cared for in the provider's home.

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Health Protection.

Hazardous or potentially injurious or poisonous substances should be kept in a space inaccessible to children.

570

The family day care provider shall release a child only to the child's parents, guardian, or person in loco parentis, or to an individual authorized in writing by such person to take the child from the day care home.

No child shall be allowed to play outdoors without clothing appropriate to the climatic conditions.

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Physical Facilities.

Elevated areas such as stairs or porches shall have railings and safety gates where necessary to prevent falls.

Potential hazards such as guns, household cleaning chemicals, uninsulated wires, medicines, poisonous plants, and open stairways must not be accessible to young children.

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Health Factors.

The provider shall at no time place children in an environment that would be harmful or dangerous to their physical or emotional health. Children under care shall never be left without supervision by a person meeting the minimum qualifications of a caregiver.

722. Fire Safety Requirements

Not specified

723. Transportation

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Health Protection.

If transportation is provided, liability/medical insurance coverage should be obtained by the day care provider.

724. Safety Requirements for Equipment

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Physical Facilities.

Equipment and toys shall be in good repair.

725. Water Activities (Including Swimming)

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Health Protection.

No child shall be bathed, permitted to use wading pool, or to play outdoors without adequate supervision.

726. Emergency Procedures

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Health Protection.

Family day care providers shall be familiar with emergency first aid techniques.

A copy of a statement signed by the child's parents authorizing emergency medical care for each child shall be in the possession of the provider.

The day care provider shall have plans to respond to illness and to emergencies including evacuation in case of fire, serious injury, and ingestion of poison.

At least one person who may be called upon for child care assistance in emergencies shall be designated.

727. First Aid Supplies

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Health Protection.

Sufficient first aid supplies shall be available for minor emergencies.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Nutrition.

All children present at meal time shall be served a nutritious meal, including a food from each of the four basic food groups. Adequate amounts of food shall be available. A nourishing mid-morning and mid-afternoon snack shall be provided.

If sack lunches are sent by parents, the day care provider must set guidelines for parents regarding content, and if necessary supplement sack lunches, so that minimum standards of nutritive quality are maintained.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

530

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Physical Facilities.

The family day care home shall provide adequate space, indoors and out, for the daily activities of the children. This shall include a minimum of thirty-five square feet (3.25 square meters) of play space per child indoors and a minimum of seventy-five square feet (6.97 square meters) of play space per child outdoors. Indoor space considered shall exclude bathrooms, pantries, and passageways leading to outdoor exits.

Each child shall have a comfortable and clean place to sleep or rest. The floor shall be used only when carpeted or padded, warm, and free from drafts. A child who is in care between the hours of 8 PM and 6 AM shall have an individual sleeping place. Children under 12 months of age and any child unable to walk unassisted shall sleep in a crib, bed with side rails and a firm mattress, or play pen.

Exterior play areas in close proximity to busy streets and other unsafe areas shall be contained, fenced, or have natural barriers to restrict children from unsafe areas.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Physical Facilities.

The home shall have adequate heating, ventilation, and lighting facilities for the comfort and protection of the health of the children. During the heating season, a temperature of not less than sixty-eight degrees Fahrenheit (20 degrees Celsius) shall be maintained in all rooms occupied by children.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Physical Facilities.

The home shall meet the requirements of applicable local and state laws and ordinances for sanitation, health, fire, building construction, safety, and all other applicable state laws and local ordinances.

1520. FIRE

75-03-01.1-05 Family Day Care Home Supplemental Parental Care - Physical Facilities.

The home shall have been inspected by the local fire department. The provider shall have corrected any code violations noted by the fire inspector.

The home shall be equipped with sufficient smoke detectors and fire extinguishers, as recommended by the local fire department.

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are from the Oklahoma Standards for FAMILY DAY CARE HOMES, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

III. Definitions

I Definitions.

A family day care home is a family home that provides care and protection for five or less children for part of the 24-hour day. The "caregiver" when used in these standards shall mean the licensed individual or the delegated substitute.

An informal arrangement is a situation, not on a regular basis, where the caregiver is not compensated and no advertising is done in any way.

112. Exclusions and Exemptions

I Definitions

This definition of a family day care home does not include informal arrangements which parents make independently with neighbors, friends, or others. Nor does it include the caregiver in the child's own home.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official
See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations
See DAY CARE CENTERS

212. Advisory Body and Other Community Participation
See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance
See DAY CARE CENTERS

222. Fee Charged
See DAY CARE CENTERS

223. Areas of Investigation
See DAY CARE CENTERS

224. License Renewal
See DAY CARE CENTERS

225. Conditional/Provisional Licenses
See DAY CARE CENTERS

226. Substantial Compliance
See DAY CARE CENTERS

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230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

III Caregiver Qualifications.

Caregiver's own children and others living in the home must accept the family day care children and provide constructive influence. There must be indication of a congenial and happy home life.

IV Restrictions on Home.

The caregiver shall not give continuous 24-hour foster care on a regular basis.

If the caregiver moves from one residence to another, licensure of the new home must comply with these standards.

The neighborhood should be such that the character of the immediate neighbors and associates of the family day care children insure wholesome relationships. The neighborhood should offer opportunities for healthy recreation and the home should be within reasonable access of the child's own home and school, if school age children are under care.

III Caregiver Qualifications.

An adult (18 years or over) substitute caregiver shall be available. The name, address, telephone number, of the substitute shall be a part of the licensing record. It shall also be posted with the other required emergency numbers at the family day care home.

XIV References.

There shall be four references other than relatives including the family physician.

312. Telephone

IV Restrictions on Home - Physical structure.

The home shall have a telephone with the following emergency numbers posted: physician, or clinic, Fire Department, Police Department, substitute caregiver.

313. Proof of Operator Financial Capabilities

III Caregiver Qualifications.

There shall be another regular source of income available to meet the needs of the caregiver's own family.

314. Insurance

IV Restrictions on Home - Physical structure.

Liability insurance for children under care is recommended.

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

III Caregiver Qualifications.

Any person convicted of assault and battery, beating, physical violence, or abusing children shall be restricted from the premises of the family day care home.

The caregiver may not hold another job, either full time or part time during the hours while operating a family day care home.

340. RECORDS REQUIREMENTS341. Children

VI Records.

Child's records must be kept on forms provided by the Department or on any forms containing the same information. These are:

Identification and health record including:

the child's name and date of birth, name of parent(s), home address, business addresses, telephone numbers

the name and address (home and business) of a responsible person to contact in an emergency if parent(s) cannot be located promptly

permission of parent(s) authorizing medical care

name of person(s) permitted to call for the child

health information, including record of immunization

name, address, and telephone number of physician to call in an emergency

date of acceptance and withdrawal from the family day care home.

Daily attendance record for each child.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

III Caregiver Qualifications.

The caregiver is responsible for reporting immediately to proper authorities any suspected child neglect or abuse.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Not specified

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412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

II Age and Number of Children.

The number and ages of children in a home shall be in keeping with the capacity and skills of the family day care parents and accommodations of the home. The total number of children placed in any one home shall be limited to five including the family day care parents' own preschool children under five years of age living in the home.

422. Methods of Computing Group Size

Not Specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

III Caregiver Qualifications.

The caregiver must be at least eighteen years of age. Consideration shall be given to the vitality and flexibility of the caregiver regardless of age.

512. Health

III Caregiver Qualifications.

The caregiver, members of the caregiver's family, and all others living in the home shall provide a medical statement from a duly licensed physician in the State of Oklahoma verifying the health of each and that each is free of communicable disease.

513. Education

III Caregiver Qualifications.

The caregiver must be able to read and write in order to comprehend and adhere to licensing standards.

514. Experience

III Caregiver Qualifications.

The caregivers shall have suitable temperament to care for a child and show love and understanding of children. They must work cooperatively with the child's parents or guardians and respect the child's individual feelings.

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

See 511. Age

522. Health

See 512. Health

523. Education

See 513. Education

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

See 510. CHILD CAREGIVER STAFF QUALIFICATIONS

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

591

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

IX Routine and Activities.

The caregiver shall provide the children with activities and experience which will insure the physical, social, intellectual, and emotional development of the children in keeping with their ages, interests, and individual differences.

Play materials shall be readily available and space in the home arranged to encourage play.

There shall be a variety of games, toys, books, crafts and materials and adequate, safe indoor and outdoor play equipment to meet the varied developmental needs and interests of children of different ages.

612. Program Equipment and Materials

Not specified

613. Nap Provision

XIII Equipment.

Each child must have an individual bed or cot for rest, equipped with clean and adequate bedding.

614. Discipline and Guidance

X Guidance and Discipline.

Each child shall be considered as an individual and provided patient, understanding, consistent, and loving guidance.

Constructive methods of guidance and discipline shall be utilized.

Loud, profane, or abusive language shall not be used. Corporal punishment shall not be used. Corporal punishment is infliction of physical pain. Shaming, frightening, and humiliating methods shall not be used. Punishment shall not be associated with rest, toilet training or loss of food.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

See DAY CARE CENTERS

714. Sanitation

IV Restrictions on Home - Physical structure.

The premises shall be maintained in a clean and sanitary condition.

Water supply, sewage disposal, and solid waste disposal must meet local city ordinances and State Department of Health regulations.

Animals or household pets are permitted provided the following is adhered to:

There must be proof of rabies and other current required vaccinations for each animal before license is issued.

The caregiver must advise potential patrons of the existence of the animals as this may affect the patron's decision in using the facility.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

VIII Child Health.

Any child showing symptoms of illness should be separated from the group and the child's parent(s) or physician shall be notified.

717. Medication and Special Diet Provisions

VIII Child Health.

Medications, prescription and otherwise, that are brought by the parents to be administered by the caregiver, shall be accompanied with written dated permission from the parents, with the child's name and the exact amounts and time of dosages to be given. The caregiver shall post these so that they may be clearly read and followed. Prescription drugs shall be clearly labeled with name and dosage. The caregiver shall not give a child medication of any kind without the written permission of the parent(s).

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

IV Restrictions on Home - Physical structure.

Building shall be in good state of repair from standpoint of structural stability.

The premises shall be free of undue hazards, indoor and out.

Clear glass doors shall be plainly marked to avoid accidental impact.

All flammable liquids and/or poisonous materials shall be stored in facilities or cabinets that are inaccessible to children.

Stairways, inside and outside, over four steps, must have railings. Safety gates at stairways must be provided if infants and toddlers are given care.

722. Fire Safety Requirements

Appendix I Fire Safety.

Every stairway shall comply at least with the minimum requirements for Class B stairs, in respect to width, risers, and treads, and shall be maintained free of items of storage.

Interior finish in occupied spaces in the home shall be Class A, B, or C.

The interior finish in means of egress and in rooms into which exits discharge shall be Class A or B.

Use of unclassified wood paneling is prohibited.

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Where the floor above the floor of exit discharge is used for sleeping purposes there shall be a smoke detector at the top of the stairs in a building two stories or less with open stairways; or, inside the dwelling unit used as a day care facility in a multiple dwelling.

A portable fire extinguisher suitable for Class B fires shall be provided for the kitchen and cooking areas. Fire extinguishers shall be checked annually.

Portable electric or gas fire, unvented, room heaters shall not be permitted. Oil and gas fired room heaters shall be installed in accordance with state and local plumbing and heating codes. A guard shall be provided to protect the children from hot surfaces and open flames.

No stove or combustion heater shall be so located as to block escape in case of malfunctioning of the stove or heater.

I Electrical services.

Electrical wiring in new construction shall be installed in accordance with state and local codes or ordinances.

In existing buildings, the electrical wiring shall be sized to provide for the load. Electrical appliances shall be grounded in accordance with state and local codes and ordinances.

Receptacles and outlets serviced by extension cord-type wiring are prohibited.

Special receptacle covers shall be installed in all areas occupied by children in homes for children under 5 years of age.

An operable flashlight shall be available at all times.

723. Transportation

V Transportation.

The caregiver must have emergency transportation available.

The caregiver must have written dated permission to transport children.

Person driving vehicle must have current driver's license and vehicle must have current inspection and passenger liability insurance.

When caregiver transports children, car seats or seat belts in keeping with each child's size and age must be used.

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

IV Restrictions on Home - Physical structure.

Any play activity which involves water must be supervised constantly. No ponds or pools can be left accessible to children. Wading pools must be emptied after each use.

726. Emergency Procedures

IV Restrictions on Home - Physical structure.

There shall be a planned source of medical care — a hospital emergency room, clinic, or other constantly staffed facility or physician known to the caregiver and acceptable to parents.

The caregiver shall be familiar with emergency evacuation procedures.

727. First Aid Supplies

IV Restrictions on Home - Physical structure.

First aid procedures and supplies shall be available for quick reference.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

XII Food and Nutrition.

Children remaining in the family day care home for longer than a four-hour period shall be served a balanced meal which shall provide at least one-third of the child's total daily nutritive requirement. Caregivers can require parents to provide food for infants or children requiring special food or special diet. The caregiver shall provide the food for all children who are able to eat regular food.

Menus shall be posted one week in advance. Such menus shall be closely followed, although reasonable substitutions are permissible.

Snacks shall be provided both mid-morning and mid-afternoon when the interval between regular meals is four hours or longer. Children should be encouraged to try new foods but shall not be forced to eat or be punished for not eating.

Water shall be offered at various times throughout the day.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

VI Records.

From the time the child enters the family day care home, the caregiver should discuss with the parents the child's progress.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

XI Infants and Toddlers.

The caregiver shall have sufficient time to hold, cuddle, talk, and sing to the infant and time to understand and respond to his particular needs.

Routine of care for the infant shall be adapted to the individual needs of each child and shall fit as much as possible into the schedule set up by the parent.

Infants and toddlers shall be given the opportunity (under supervision) to move about safely and to explore their surroundings for substantial periods of each day. They shall have time out of doors daily under supervision of caregiver, weather permitting.

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Infants shall not be left in a crib without direct caregiver contact except for brief intervals.

Toilet training shall be a relaxed pleasant activity and shall support the training started by the parent in the home.

There shall be appropriate chairs for use at meal time and snack time.

An individual crib, playpen, or port-a-crib shall be provided for each infant. Each crib, playpen, or port-a-crib shall be equipped with a clean waterproof mattress and sheet. An adequate supply of sheets shall be available so that sheets can be changed daily or more frequently if soiled.

1120. HEALTH AND SAFETY REQUIREMENTS

XI Infants and Toddlers.

Potty chairs must be sanitized after each use.

There shall be sufficient quantities of clean diapers available and provision for their disposal and/or storage in a closed container when soiled.

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

VII School.

The caregivers are responsible for the children's school attendance in accordance with the requirements of the State Department of Education.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

IV Restrictions on Home - Physical structure.

There shall be a minimum indoor space available for child care of not less than 35 square feet per child, exclusive of hallways, bathrooms, kitchen, and space occupied by furniture not intended for children's use.

There shall be an outdoor play area of not less than 75 square feet per child. This area must be hazard free, and keep children away from traffic, water, and other dangers. In most instances, this will require a fence.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

IV Restrictions on Home - Physical structure.

Rooms used by children shall be well lighted and ventilated.

1430. EXITS

Appendix I Fire Safety.

In buildings of unprotected wood frame or unprotected ordinary construction used for child care purposes, every room used for sleeping, living, or dining purposes, shall have at least two means of egress; at least one of which shall be a door or stairway providing a means of protected unobstructed travel to the outside of the building at ground level. No room or space shall be occupied for living or sleeping purposes which is accessible only by a ladder, folding stairs, or through a trap door.

In the instance of a single-story building only, one of those means of egress may be an operable window that provides a clear opening of 22 inches and 5 feet in area. Bottom of window opening must be no more than 32 inches above floor and no more than 5 feet above ground level.

Where children are located on a floor (basement) below the floor of exit discharge, at least one exit shall be provided directly to the outside at ground level. No facility shall be located more than one story below the ground.

Exits in buildings other than unprotected wood frame or unprotected ordinary construction shall be provided as prescribed by local building code, or if none exists, the State-adopted National Building Code and NFPA Life Safety Code.

Each door in a means of egress shall be not less than 24 inches wide.

Every closet door latch shall be such that children can open the door from inside the closet.

Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency and the opening device shall be readily accessible to the staff.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

IV Restrictions on Home - Physical structure.

In the opinion of the licensing worker, if the fire, safety, and/or health conditions are questionable, the state or local fire department shall be consulted regarding such conditions.

Safety, Fire, and Health Requirements.

The licensing worker may request a fire inspection if there is evidence of violation of the fire safety code.

Appendix I Fire Safety - Construction.

Any building used as a family day care home shall meet the local minimum housing code and fire prevention code for the applicable class of residential construction, or if none exists, the State-adopted National Building Code and NFPA Life Safety Code.

Where family day care homes are located in a building containing mixed occupancies, the separation requirements of the locally applicable building code, or if none exists, the State-adopted National Building Code and NFPA Life Safety Code shall apply.

In buildings of unprotected wood frame or unprotected ordinary construction, no story above the second level above grade shall be used as a family day care home.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Oregon Children's Services Division, Rules Governing Standards for Family Day Care Homes, December, 1979.

100. STATE APPROVAL OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO APPROVAL AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

412-10-405 Definitions.

"Family day care home" means any home providing day care to no more than five children, excluding the provider's own children.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

412-10-400 Applicability and Purpose of Rules.

These rules set forth Children's Services Division (CSD) standards to be used for reviewing and, if appropriate, certifying family day care homes serving one or more children whose care is subsidized by Children's Services Division, or by any other agency which subsidizes day care services which must comply with Federal Interagency Day Care Requirements. These rules also apply to any person who does not request approval to serve subsidized children but who voluntarily applies for a certificate of approval to serve no more than five children.

412-10-410 Certificate.

No person shall provide day care services to children whose care is subsidized by CSD or any other agency which subsidizes day care services which must comply with Federal Interagency Day Care Requirements without a current, valid certificate issued by CSD.

120. AGENCY RESPONSIBLE FOR APPROVAL OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. APPROVAL PROCESS AND ENFORCEMENT PROCEDURES210. APPROVAL PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. APPROVAL PROCEDURE221. Application and Issuance

412-10-410 Certificate.

No person, unless exempted by ORS 418.805, shall operate a day care facility providing day care to six or more children at any one time who are unrelated to the caregiver without having a current, valid certificate of approval issued by CSD. Any person operating a day care facility for fewer than six children may apply for a certificate for such facility from CSD.

No person shall provide day care services to children whose care is subsidized by CSD or any other agency which subsidizes day care services which must comply with Federal Interagency Day Care Requirements without a current, valid certificate issued by CSD.

In the event of a change of location, application for a certificate shall be made no less than 30 days prior to the date certification will be needed at the new address.

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

412-10-410 Certificate.

Upon receipt of an application for a certificate a representative of CSD will evaluate the home and the applicant to determine if they meet the Division's standards for the physical health, care, and safety of children as set forth in these rules. If standards are met a certificate will be issued by CSD. The certificate is:

Valid for no more than one year.

Not transferable to any other location or to another organization or individual.

224. Certificate Renewal

412-10-410 Certificate.

Application for the annual renewal of a certificate shall be made at least 30 days prior to the expiration date of the certificate.

225. Conditional/Provisional Approval Certificate

See DAY CARE CENTERS

226. Substantial Compliance

412-10-470 Exceptions.

Exceptions to an individual standard set forth in these rules may be granted for good and just cause by the Division. The provider shall make application in writing to the Division.

230. ENFORCEMENT PROCEDURES231. Facility Inspections

412-10-475 Enforcement.

In order to ascertain continued compliance with these standards, CSD may inspect the premises of any home to which a certificate has been issued by CSD, or inspect at any reasonable time, the record of subsidized children.

In some instances there are no common definitions as to degree of acceptability, such as health and safety hazards. In these instances in these rules the determination of acceptability or nonacceptability shall be made at the discretion of CSD.

232. Denial, Suspension, Revocation of a Certificate

412-10-475 Enforcement.

Upon failure to meet standards or correct deficiencies, CSD may deny an application, or revoke, suspend or refuse to renew the certificate.

CSD shall not accept a new application from an operator for at least one year following the denial of his/her application or revocation or refusal to renew a certificate.

Three written warnings for violation of one standard during a certification year shall result in refusal to renew a certificate.

The provider has the right to appeal any decision to deny, suspend, or revoke a certificate, or the determination that a person is unable to care for children, subject to the provisions of Chapter 183, Oregon Revised Statutes.

605

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

412-10-430 Requirements of the Family Day Care Provider.

The provider shall provide a wholesome adult model and a stable, harmonious environment that conforms with the community's socially acceptable values.

The provider shall provide names, address, and phone numbers of three persons with personal knowledge of the applicant's ability to care for children.

The provider shall not combine day care with child foster care unless prior authorized by CSD, in accordance with CSD policy and procedures.

The provider shall not combine day care with boarding of adults, nursing or convalescent care of adults, unless such care is not detrimental to the best interests of day care children, as determined by CSD.

The provider must have a back-up substitute caregiver who is available in emergencies. If care is provided in a home other than the provider's own home the substitute caregiver must hold a valid Certificate issued by CSD. At the time of the preplacement visit the provider must explain substitute caregiving arrangements to parents.

412-10-460 Health and Safety.

Injuries or accidents shall be reported to parents on the day of occurrence. Written record of all injuries and accidents shall be maintained, and shall include date, child's full name, nature of injury and action taken.

412-10-465 Requirements for the Family Day Care Home.

In order to qualify for or maintain a certificate the day care home shall be the residence of the applicant.

312. Telephone

412-10-465 Requirements for the Family Day Care Home.

Telephone service shall be available in the home at all times.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

412-10-430 Requirements of the Family Day Care Provider.

Individuals whose presence may be detrimental to the welfare of children shall be excluded from the home during the hours children are in care. No person who has been convicted, or is awaiting a hearing on charges of child abuse (physical injury, neglect which leads to physical harm or sexual molestation), or who has demonstrated behavior which might have a detrimental effect on a child, may be in the home with the children.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

412-10-425 Admittance Requirements.

As required by Oregon Civil Rights laws (ORS 30.670, 659.425) and applicable federal laws and regulations, services to children must be available without discrimination on the basis of race, religion, color, national origin, sex, marital status of parent or because of a mental or physical handicap. Refusal by a provider to care for a child with a mental or physical handicap because of his/her lack of related skills and degree of competence, or because of structural barriers in the home, shall not constitute discrimination. However, the burden is on the provider to establish that the refusal to care for a handicapped child was not an act of discrimination.

340. RECORDS REQUIREMENTS341. Children

412-10-415 Record Keeping.

The following records shall be maintained for each child:

Current identifying information.

Authorization by parent for emergency medical care signed every 6 months and on a form acceptable to designated emergency facility.

NOTE: This requirement may be waived if it is contradictory to the religious practices of the parent(s).

Written permission from the parent allowing the child to participate in field trips or other excursions away from the family day care home, or in any water activity, such as swimming, on or off the premises.

Names of persons, other than parent(s), authorized to pick up a child.

There shall be a daily written register listing, as a minimum, the date, name, and time of arrival and departure of each child.

There shall be a written record maintained of medications administered listing, as a minimum, the name of the child, the name of the person administering the medication, date, time, dosage given, and reason for administering the medication.

There shall be a written record maintained of all injuries and accidents including the date, the child's full name, nature of injury, and action taken.

342. Staff

412-10-430 Requirements of the Family Day Care Provider.

The provider shall provide names, address, and phone numbers of three persons with personal knowledge of the applicant's ability to care for children.

All caregivers who work directly with the children shall show evidence that s/he is free of tuberculosis. Results of an intradermal tuberculin test or chest x-ray must be dated within 90 days prior to the initial application for a certificate.

343. Child Eligibility and Enrollment Requirements

412-10-425 Admittance Requirements.

In order to maintain a certificate the provider shall comply with the following admittance requirements:

Children shall be admitted only in accordance with the conditions of the certificate.

As required by Oregon Civil Rights laws (ORS 30.670, 659.425) and applicable federal laws and regulations, services to children must be available without discrimination on the basis of race, religion, color, national origin, sex, marital status of parent or because of a mental or physical handicap. Refusal by a provider to care for a child with a mental or physical handicap because of his/her lack of related skills and degree of competence, or because of structural barriers in the home, shall not constitute discrimination. However, the burden is on the provider to establish that the refusal to care for a handicapped child was not an act of discrimination.

An opportunity for a preplacement visit shall be provided for each child and his parent(s) in order that they may become familiar with the surroundings and with the day care family.

Information and emergency medical release for each child shall be obtained from the parent(s) prior to admission. The emergency medical release shall be on a form accepted by the medical treatment facility designated for emergencies by the provider.

344. Child Abuse Reporting

412-10-420 Reporting of Child Abuse.

As requested by Oregon law (ORS 418.750) any day care provider holding a certificate from CSD who has reasonable cause to believe that a child in his/her care has suffered abuse (physical injury, neglect which leads to physical harm, or sexual molestation) must report the incident to CSD or to a law enforcement agency.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

412-01-435 Number of Children.

A family day care home may be certified for no more than 5 children unrelated to the provider.

422. Methods of Computing Group Size

412-01-435 Number of Children.

In determining the maximum number of day care children that may be cared for, the number of children residing in the home must be considered.

The provider's children and any other related children or foster children in the household under six years of age must be counted.

If there are no children under three years there may be a total of six children, including those children residing in the home under six years of age.

If there are children under three years, there may be no more than 2 children under 2 years, and no more than 5 in total, including those children residing in the home under 6 years of age.

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

412-10-430 Requirements of the Family Day Care Provider.

The provider shall be at least 18 years of age and shall possess physical and mental health, judgement and moral character appropriate to meet the needs of children, as determined by CSD.

NOTE: If CSD needs additional information to assess a person's ability to care for children, references or an evaluation by a physician, psychiatrist, or other qualified person or community resource may be requested.

The provider or a substitute caregiver who is at least 18 years old must be on the premises during the hours children are in care.

512. Health

412-10-430 Requirements of the Family Day Care Provider.

All caregivers and members of the family day care household must be in such physical and mental health as will not adversely affect either the health of the child in care or the quality or manner of the care. The provider shall upon request of CSD submit medical evidence to this effect.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

412-10-440 Program and Care of Children.

Children in care must be supervised at all times. The provider must give the children's needs first priority, assuring that they get adequate care and attention.

The day care provider shall carry out activities which shall provide a variety of experiences geared to the ages and abilities of the child(ren). Activities shall be planned to use the family setting and the every day happenings of the home, and shall allow children to make individual choices, and to encourage a child to develop skills in all areas appropriate to the age and ability of the child. A balance of active and quiet play shall be provided. There shall be activities both indoors and outdoors (when weather permits).

The program shall provide regularity in routines such as, but not limited to, eating, napping, and toileting, with sufficient flexibility to respond to the needs of the individual.

612. Program Equipment and Materials

412-10-450 Equipment.

An individual crib or playpen shall be provided for each infant.

The provider shall make available a supply of play equipment and materials suitable to the age and abilities of the child(ren) in care. Play equipment and materials shall be available for both indoor and outdoor activities.

613. Nap Provision

412-10-450 Equipment.

An individual bed or cot with individual bedding adequate to the season shall be provided for each child in day care. Beds used by family members may be used if covered by a sheet.

614. Discipline and Guidance

412-10-445 Discipline.

The provider shall establish simple, understandable rules so that expectations and limitations are clear to the child, the parent(s), and to any other caregivers.

The provider shall not use, or permit another person to use, corporal punishment (i.e., striking, slapping, spanking with a hand or any other instrument), or punishment which is abusive or humiliating, as interpreted at the discretion of CSD.

Discipline shall be handled without delay and shall not be out of proportion to the particular inappropriate behavior; as for example, scolding children for honest mistakes such as spills, and accidents caused by lack of coordination.

Food shall not be withheld as a means of punishment, nor shall a child be punished for refusing food.

There shall be no verbal abuse, threats, or derogatory remarks about the child or the child's family.

No child shall be punished for toileting accidents.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

412-10-460 Health and Safety.

Suspected food poisoning or suspected exposure to a communicable disease shall be reported to the parents and to the proper health agency (i.e., County Health Department, State Health Department).

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

412-10-465 Requirements for the Family Day Care Home.

Water for domestic use shall be safe to drink.

All sewage shall be disposed of in accord with State Department of Environmental Quality rules.

All garbage and solid waste shall be stored in water tight, nonabsorbent and easily washable containers with close-fitting lids.

715. Daily Illness Screening

412-10-460 Health and Safety.

Each child shall be observed daily for signs of communicable disease or other illness.

Children who are ill shall not be accepted in the home if care is provided to children from more than one family.

NOTE: This does not apply to a provider who is certified to care only for children who are ill or are recuperating.

716. Care of Sick Children

412-10-460 Health and Safety.

If a child becomes ill during the day, he shall be isolated, and the parent(s) shall be notified immediately.

Arrangements shall be made to have a licensed physician or hospital or clinic available in case of emergency when the physician designated by the parent cannot be reached.

717. Medication and Special Diet Provisions

412-10-460 Health and Safety.

The provider may administer medication to a child under the following conditions:

For prescription medications, there must be written permission to administer the medication from the parent, and it must be administered in accordance with a physician's current orders.

For non-prescription medications, the parents written instructions must include the name of the medication, circumstances under which it may be administered, dosage, and frequency of administration.

There shall be a written record maintained of medications administered listing, as a minimum, the name of the child, the name of the person administering the medication, date, time, dosage given, reason for administering the medication.

When permission is given to administer medication on an "as needed" basis, the parent must be notified that medication was given on the same day it is administered, the amount administered, and when it was administered.

Authorization to administer non-prescription medication must be reviewed with the parent every 3 months. Revisions will be indicated in writing as necessary.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

412-10-465 Requirements for the Family Day Care Home.

All exposed electrical receptacles in rooms used by preschool children shall have hard-to-remove protective caps when not in use.

Clear glass panels in sliding doors and storm doors shall be clearly marked to avoid accidental impact.

Protection shall be provided from hot pipes, stairs, windows, electric fans, and other hazardous conditions, and from fireplaces, space heaters, and wood stoves if in use during the hours children are in care.

An emergency light source, such as flashlight, shall be readily available.

Items of potential danger to a preschool child (medicine, drugs, cleaning supplies and equipment, paints, plastic bags, aerosols, detergents, etc.) shall be kept under lock and away from food service supplies.

Firearms, ammunition, and other potentially hazardous equipment shall be kept under lock. Guns shall be disassembled, when possible.

Flexible cord or extension cords shall not be used as a substitute for the fixed wiring of the home.

Dogs and cats in the home shall have a current rabies vaccination.

There shall be an ASME approved safety release valve on the hot water heater.

The building and grounds shall be maintained in a clean, sanitary, and hazard-free condition, and in a manner that minimizes the infestation of rodents and insects.

722. Fire Safety Requirements

See 721. General Safety Requirement.

723. Transportation

412-10-460 Health and Safety.

The provider must have a plan for emergency transportation during the hours children are in care.

Any caregiver transporting a child in a motor vehicle shall be at least 18 and shall hold a current driver's license. A child shall be secured to the seat by his own seat belt or an infant safety seat that conforms to the standards and specifications of the Society of Automotive Engineers.

724. Safety Requirements for Equipment

412-10-450 Equipment.

Equipment, materials, and toys shall be kept clean, safe, orderly, and accessible to the children.

412-10-465 Requirements for the Family Day Care Home.

Toys, equipment, and furniture shall be maintained in a clean, sanitary, and hazard-free condition.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

412-10-460 Health and Safety.

Emergency phone numbers shall be posted on the telephone.

Children shall be advised of plans for evacuation in case of emergency, such as fire, etc.

727. First Aid Supplies

412-10-460 Health and Safety.

First Aid supplies shall be collected in one container and be available for use, but kept out of the reach of children, and shall contain bandages, gauze pads, a wound cleaning agent, such as soap or sealed moistened towelettes, scissors, and tweezers. First Aid supplies shall be taken on children's field trips.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

412-10-455 Nutrition.

Lunch and morning and afternoon snacks shall be provided by the provider. When the planned attendance is prior to 7 a.m. a child shall be offered a breakfast if it is not provided by the parent(s). When the planned attendance is after 6:30 p.m. a child shall be offered dinner if it is not provided by the parent(s).

Each meal plus snack served shall provide at least one third of the child's daily nutritional needs (recommended Dietary Allowance, Food and Nutrition Board, National Academy of Sciences, National Research Council).

All meals shall include at least one serving from the Basic Four food groups (bread and cereal; fruits and vegetables; milk and milk products; meat, fish, poultry and vegetable protein foods, such as legumes, i.e., dried beans and peanut butter). All snacks shall be selected from the Basic Four Food Groups. If breakfast is served in addition to lunch and/or dinner, meat, fish, poultry, or vegetable protein is not required.

There shall be no more than 3 1/2 hours between meals and snacks in any family day care home providing care for the same children 3 1/2 or more consecutive hours.

Nutrient concentrates, supplements (protein powders, liquid proteins, vitamins, minerals, and other non food substances), or modified/special diets (for a child's allergy or medical condition which requires the addition/elimination of specific foods or ingredients not tolerated/recommended) shall not be served without written instructions from a physician and parental consent.

Grade A pasteurized and fortified milk shall be served to children. Powdered milk may be used only in cooking. The serving of raw milk is prohibited. No low fat or skimmed milk shall be served to a child under two years of age without written parental consent.

No home-canned vegetables, meats or fish shall be served to the children. This does not prohibit the serving of home-canned jams, jellies or fruit, or food excluding meat and seafood that is frozen or commercially canned; or home canned food supplied by a parent for his/her child as ordered by a physician. Only meat and seafood that has been inspected by USDA may be served to children.

Honey shall not be served to children under 12 months of age.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

412-10-460 Health and Safety.

All food shall be stored, prepared, and served in a sanitary and safe manner. Perishable food shall be kept under refrigeration.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

626

1400. FACILITY REQUIREMENTS1410. SPACE

412-10-465 Requirements for the Family Day Care Home.

Space used for day care shall be arranged to facilitate the supervision of children, and shall meet the following requirements:

Indoor play and nap areas shall allow a minimum of 35 square feet per child.

There shall be a place where an ill child can be isolated from other children.

Outdoor play area shall be free from hazards. It shall be protected by fencing or some type of barrier if it is readily accessible to a street, drainage ditch or any other existing hazard. In homes with an unfenced play area serving children under 5 years of age, the provider shall accompany the children and provide constant supervision whenever they are outdoors.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

412-10-465 Requirements for the Family Day Care Home.

Room temperature of at least 68° Fahrenheit shall be maintained while children are in care and are awake.

1430. EXITS

412-10-465 Requirements for the Family Day Care Home.

All rooms used by the day care children for play and napping shall have at least two usable exits, one of which may be a window.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

412-10-465 Requirements for the Family Day Care Home.

In order to qualify for or maintain a certificate the day care home shall be inspected by a representative of the State Fire Marshal or the Health Division if and when deemed necessary by CSD to meet health and safety requirements.

1530. BUILDING

Not specified

1540. HEALTH

See 1520. Fire

1550. SANITATION

See 1520. Fire.

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Pennsylvania Department of Public Welfare, Bureau of Child Development Programs, Regulations for Family Day Care Homes (Chapter II, Section 8C of the Department of Public Welfare's Social Services Manual), June, 1981.

100. STATE REGISTRATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO REGISTRATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

15. Family Day Care Home is any premise other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five, or six children, who are not relatives of the caregiver.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR REGISTRATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. REGISTRATION PROCESS AND ENFORCEMENT PROCEDURES210. REGISTRATION PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. REGISTRATION PROCEDURE221. Application and Issuance

24. Any individual operating a family day care home is required to have a registration certificate issued by the Department. No individual is allowed to operate a family day care home without a registration certificate.

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. Certificate Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Certificate

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a Certificate

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

25. Appeals related to the Department's registration must be made pursuant to Title 2 of the Pennsylvania Consolidated Statutes in accordance with the Department's Licensure Approval Procedure, DPW Manual Section 9003.

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

28. The caregiver shall submit a written report to the appropriate Regional Office of the Department within 24 hours after occurrence of an unusual accident, such as the death or serious injury of a child while at the family day care home or when a fire occurs which requires the services of a fire department. A serious injury is defined as one requiring in-patient hospitalization.

35. The caregiver shall provide the parent of each child enrolled in the day care home with a copy of these regulations.

312. Telephone

46. The family day care home must have an operable telephone.

70. Telephone numbers of the nearest hospital, police department, fire department, ambulance, and poison control center must be posted by each telephone in the family day care home.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

33. No caregiver, or other household member present in the family day care home while the children are in care, shall have been convicted of a crime involving child abuse, child neglect, moral corruptness or physical violence. Any caregiver, or other household member present in the family day care home, who is awaiting trial on charges listed above shall not provide child day care, or be present in the family day care home, pending the outcome of the trial. No caregiver, or other household members present in the family day care home while the children are in care, shall be currently diagnosed or receiving therapy or medication for serious mental illness which might create

a risk to the children in care. Serious mental illness which might create a risk to children in care shall be determined and documented by a licensed psychologist or psychiatrist. No caregiver, or other household members present in the family day care home while the children are in care, shall have evidenced drug addiction or alcoholism within the past year. Drug or alcohol addiction shall be determined and documented by a licensed physician. Indicated and founded reports of child abuse in which the caregiver, or other household members present in the family day care home while the children are in care, are named as perpetrator shall be considered in determining the suitability of the caregiver and the family day care home.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

85. The caregiver shall have an individual record for each child enrolled.

86. Each child's record must contain the following:

initial and subsequent health appraisal reports;

written consent signed by parent for administration of any medications, health aids, or special dietary needs (required prior to admission);

written consent signed by parent for administration of emergency medical life saving procedures by a licensed physician (required prior to admission);

written consent signed by parent for all transportation provided by the caregiver, trips, and swimming if the child will be participating in these activities; and,

record of accidents, injuries, and illnesses which require inpatient hospitalization occurring to the child while he/she is present at the family day care home and a copy of the report sent to the appropriate Regional Office of the Department in relation to such an occurrence.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

34. The caregiver shall report immediately cases of suspected child abuse to Childline (Toll Free 800-932-0313).

345. Confidentiality of Records Requirements

87. The caregiver shall not disclose or knowingly permit the use of any information concerning the child, or family, directly or indirectly, except in the course of performance of official duties and to employees or agents of the Department.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

37. At no time shall the number of children in care exceed six children, excluding relatives of the caregiver.

38. There shall be no more than four infants and/or toddlers in a family day care home at any one time.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

32. The caregiver shall be at least 18 years of age.

512. Health

73. Each caregiver and other persons providing direct care on a regular basis shall have an initial medical examination and every two years thereafter. The medical examination must establish that the caregiver is physically able to care for children and is free from any communicable disease. The medical examination must also establish that the caregiver has had a tuberculosis screening and is free from communicable tuberculosis.

74. Upon indication of a health problem in the home which may be harmful to the children in care, the Department shall require members of the caregivers household to submit to a medical examination, with the results of such examination provided to the Department. The results of such examination must establish that the household member is free from any condition which may be harmful to the children in care.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

636

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

63. A plan of daily activities and routines, in addition to free play, must be established.

612. Program Equipment and Materials

52. Play equipment and materials must be provided that are appropriate to the developmental needs, individual interests, and ages of the children. There must be a sufficient amount of play equipment and materials so that there is not excessive competition and long waits.

613. Nap Provision

57. Each child, except school-age children who do not take naps, must have clean, age-appropriate rest equipment.

58. If night care is provided (children are sleeping at the family day care home), each child must have a bed equipped with comfortable springs, mattress, sheets, pillow, pillow case, and blanket. No children shall share a single bed.

614. Discipline and Guidance

64. Caregivers shall not use any form of physical punishment, including spanking. Disciplinary methods shall not humiliate, shame, or frighten the child. Caregivers shall not use harsh or demeaning language in the presence of the children.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

See Day Care Centers

713. Immunizations

See Day Care Centers

714. Sanitation

40. All floors, walls, ceilings, and other surfaces shall be kept clean and in good repair.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

635

717. Medication and Special Diet Provisions

71. No prescription medications shall be given to a child without a physician's current written administration instructions and written consent from the child's parents. No non-prescription medication or health aids, for example, cough drops, vitamins, aspirin, ointments, ear drops, vaseline, suntan lotion, aspergum, or cough syrup, shall be given to a child without a written consent and written administration instructions from the child's parent.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

41. All medicines, drugs, cleaning materials, detergents, aerosol cans, and other poisonous and toxic materials shall be stored in their original containers and used in such a way that shall not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children. Such materials shall be kept in a place inaccessible to children and separate from child care areas, food, and food preparation areas.

47. Stairways, hallways, and exits from rooms and from the family day care home must be unobstructed. Easily opened protective gates and other devices are permitted.

48. Protective receptacle covers must be placed in all electrical outlets accessible to children under five years of age.

722. Fire Safety Requirements

42. Fixed and portable space heaters and wood burning stoves are permitted to be used while children are in care, only if they are inspected and approved in writing by the State Department of Labor and Industry, a local fire marshall, a local fire department (volunteer or professional), or other local fire safety agency. A copy of this written approval must be kept on file.

43. Hot water pipes, fixed and portable space heaters, wood burning stoves, and other sources of heat, exceeding 110°F (43°C), which are accessible to children, must be equipped with protective guards or insulated to prevent children from coming into direct contact with the heat source. Fireplaces must be securely screened or equipped with protective guards while in use.

49. An operable smoke detector must be placed on each level of the home used by the children and on each level of exit from the home.

50. A portable fire extinguisher suitable for Class B fires must be provided in the kitchen and other cooking areas. The fire extinguisher must be tested yearly or have a gauge to assure adequate pressure level.

723. Transportation

79. The operator of the vehicle must be at least 18 years of age and possess a valid driver's license.

80. Each child must be secured in an individual safety restraint appropriate to the child's weight at all times the vehicle is in motion. All safety restraints must be federally approved and labeled as such. Manufacturers instructions for use of all safety restraints must be kept in the vehicle at all times.

610

81. Children must never be left unattended in a vehicle.

82. The back of pick-up trucks must not be used to transport children.

724. Safety Requirements for Equipment

53. Toys, play equipment and other indoor and outdoor equipment used by the children must be kept clean, in good repair, and free from rough edges, sharp corners, pinch and crush points, splinters, and exposed bolts. All ladders on slides must have guards along the sides.

54. Outdoor equipment, such as climbing apparatus, slides, and swings, must be anchored firmly and in good repair. Outdoor equipment at the family day care home must not be located on either concrete or asphalt surfaces.

55. Toys and objects with a diameter of less than 1 inch (2.5 centimeters), objects with removable parts that have a diameter of less than 1 inch (2.5 centimeters), plastic bags, and styrofoam objects must not be accessible to children who are still placing objects in their mouths.

725. Water Activities (Including Swimming)

59. All children must be directly supervised (caregiver physically present with the children) at all times children are wading or swimming.

60. Above-ground and in-ground swimming pools must be made inaccessible to children, when children are not swimming.

61. Portable wading pools must be emptied and cleaned daily.

726. Emergency Procedures

69. Emergency contact information must be easily accessible and located physically close to the children at all times that children are in the family day care home, being transported by the provider, and on trips, including neighborhood excursions. This information must be signed by the parent upon enrollment and updated every six months. This information must include:

name, address, and telephone number of the child's physician or source of medical care;

home and work addresses and home and work telephone numbers of parents;

name, address, and telephone number of emergency contact person;

any special medical information on special needs, of the child, specified by the child's parent(s) or physician, which might be helpful in handling an emergency situation;

health insurance coverage and policy number for child under family policy or medical assistance benefits, if applicable; and,

person(s) designated by parent to whom the child may be released.

727. First Aid Supplies

56. The following materials must be available in the family day care home: soap, sterile gauze pads, tweezers, tape, and scissors.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

76. When the family day care home is open 5 hours or longer for any one child in a day, nutritional, appropriately timed meals and snacks must be served. No child is permitted to be without a meal or snack for more than four and one-half hours.

77. Each meal prepared by the caregiver for children of toddler age or older must have at least one item from each of the following food groups, so that the daily nutritional needs of children can be met and not exceeded:

dairy products: milk, milk products, cheese;

protein group: meat, fish, poultry, eggs, peanut butter, dried beans, peas, nuts, cheese;

fruits and vegetables: including a wide variety of green, white, yellow, and red vegetables and all fruits; and,

grain group: whole grain and enriched products such as breads, cereals, pastas, crackers, rice.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

66. Children must be released from the facility only to the child's parent, the person designated in writing by the child's parent to receive the child, or to any person designated over the telephone by the parent.

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

- 91. Soiled diapers must be placed in a tied plastic bag or covered container.
- 92. Training chairs must be emptied and sanitized after each use.
- 94. High chairs, when used, must have a wide base and a T-shaped safety strap.
- 95. Crib and playpen slats must be no more than 2 3/8 inches apart.

1130. INFANT NUTRITION

- 93. Meals for infants must be provided according to the following guidelines: formula and feeding schedule shall be obtained from the parent;

if no specific formula is specified by the parent, a commercially prepared iron-fortified formula shall be used and unused portions shall be discarded after each feeding;

introduction of all new foods shall be made in consultation with parent;

disposable nursers shall be used unless sanitized bottles are provided by the parent or unless a dishwasher is used by the caregiver to sanitize bottles;

infants six months or younger shall be held while being bottle fed; and,

bottles shall be labeled with the individual child's name.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

29. A family day care home that enrolls a child with a disability must also comply with Chapter II, Section 8D, of the Department's Social Services Manual, Day Care Service for Children Regulations - Specialized Services For Children With Disabilities.

See also DAY CARE CENTERS

(Specialized Day Care Services for Children with Disabilities)

1220. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS

(Specialized Day Care Services for Children with Disabilities)

1230. STAFFING

See DAY CARE CENTERS

(Specialized Day Care Services for Children with Disabilities)

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Not specified

1420. LIGHTING, VENTILATION, AND TEMPERATURE

45. All windows and doors used for ventilation must be screened.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

44. The family day care home must have one indoor flushing toilet and one sink with water available at the sink.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

646

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Puerto Rico Department of Social Services, Regulation Number 7 for the Licensing and Supervision of Family Day Care Homes, February, 1955.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

P.R. LAWS ANN., tit. 8, §1.

Day Care Home - is the home of a family who for pay is devoted to day care, and in regular manner for a maximum of six (6) children not related by blood.

112. Exclusions and Exemptions

P.R. LAWS ANN., tit. 8, §3.

Any person who cares for one or two children or any person who cares for children who are related by blood or affinity up to the third grade of consanguinity are exempted from complying with this provision.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

Not specified

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE221. Application and IssuanceArticle I Issuance of License.

Any person considering the establishment of a Family Day Care Home shall apply for a license in the offices of the Social Services Department and shall give any and all information as required by the Secretary of Social Services.

The person applying for said license, shall include with the application a medical health certificate for himself or herself and all the members of the household where the Family Day Care Home is to be established.

Every applicant will apply for his license two months prior to the scheduled opening of the Family Day Care Home.

No person will receive a license for a Family Day Care Home whose home is being used as a foster home or nursing care center for adults or children. This does not preclude a person from caring for a member of his family.

The license will be issued taking into consideration the housing facilities where the Family Day Care Home is to be established.

The person in whose name the license is issued will personally care for the children in the Family Day Care Home.

222. Fee Charged

Not specified

223. Areas of Investigation

Article I Issuance of License.

Once the application for the license is filed, the applicant shall allow an officer of the Department to enter his premises to make a study in order to verify, among others, the following:

that the members of the household possess the moral and personal qualities to provide a wholesome environment for the welfare of the children.

that the relations between the members of said household are favorable to provide a wholesome environment for the children.

any information given in the application.

that all the members of the household are in good health.

that the requirements set forth in this regulation for the physical plant are met.

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Article VIII General Dispositions.

If among the children admitted to the Family Day Care Home two or more are less than a year old, the Day Care Mother will have the help of another adult person to take care of the group.

The person in charge of the Home will allow the authorized Department personnel to visit the Home and will render the personnel all necessary assistance to make regular inspections.

The Day Care Mother must prepare and send to the Department a monthly statistic report in a form supplied by the Department for this purpose.

The Day Care Mother must maintain in a safe place all records related to the children.

Any deficiency found by an officer or employee of the Department will be reported to the Day Care Mother who will be allowed time to correct the deficiency. The time allowed will not exceed 3 months or be less than 48 hours from the time the report is made. The notifications of the deficiency can be submitted by mail or in person.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

Article II Admission.

The "Day Care Mother" will require of the father or legal guardian of the child the following information about the child when he is admitted to the Family Day Care Home.

full name.

age.

parent's names.

home address of the parents and home and business telephone of both.

name and address of the person to contact in an emergency or for any other reason, in absence of the parents.

names and telephone numbers of doctors to be notified in an emergency and the name and telephone number of the hospital where the child is to be taken.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

Not specified

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

Article I Issuance of License.

Every applicant must be 21 years of age or over and shall be well versed and experienced in the care of children.

522. Health

Article VII Health.

The day care mother and all persons of the household will have to undergo an annual medical examination.

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Article III Children Activities.

Activities must be planned in such a way that they provide safety to children.

The daily activities program will provide time for rest, meals and personal cleanliness. It will be planned in such a way as to become a daily routine. It must include both active and quiet play, inside and outside the home.

612. Program Equipment and Materials

Article IV Equipment.

The equipment, the game materials and the children's books will be chosen according to the children's ages. If said equipment is provided by the parents, the Day Care Mother will make suggestions to insure that said equipment will possess those characteristics.

613. Nap Provision

Article IV Equipment.

Each child shall have at the Family Day Care Home, a bed, or cot, clean linen and towels regardless of whether it is provided by the parents or the Day Care Mother.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

Article II Admissions.

To be admitted into a Family Day Care Home, the child will have undergone a complete general physical examination and will have been vaccinated against polio, smallpox, tetanus, typhus, and whooping cough, if it is possible depending on the age of the child. If the child is too young to have been vaccinated against any of the above mentioned diseases, the child shall be vaccinated against the disease upon reaching the age when vaccination is possible.

Article VII Health.

In addition to the medical examination required of all children when admitted to the Family Day Care Home, they will have to undergo an additional annual medical examination.

713. Immunizations

See 712. Health Assessments

714. Sanitation

Article VI Physical Plant.

The food goods will be kept in a well ventilated location protected from insects and other animals.

715. Daily Illness Screening

Article VII Health.

The Family Day Care Home must examine each child daily in the presence of the person bringing him to the Family Day Care Home in order to determine if the child has evidence of any disease, if he has been hurt or if he shows any abnormal condition.

716. Care of Sick Children

Article VII Health.

No child who is suffering from a communicable disease will be admitted at a Family Day Care Home.

If a child becomes ill or is hurt during the day after being left at the Family Day Care Home, he must be isolated from the other children until arrangements are made for his parents or guardian to remove him from the home.

Under no circumstances will a sick child be admitted to the Family Day Care Home.

717. Medication and Special Diet Provisions

Article II Admission.

The parents or legal guardians of any child who enters a Family Day Care Home will give written authorization to the "Day Care Mother" allowing her to authorize a doctor of medicine to give the child any medicine or any emergency treatment during the hours the child remains at the Family Day Care Home.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Article VI Physical Plant.

The yard must have a fence and a gate that can be locked securely.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Article IV Equipment.

There will be a first aid kit out of the reach of the children.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

Article V Nutrition.

It will be the responsibility of the Day Care Mother to insure that the children who remain in the home during the day receive a daily morning snack, a hot lunch and an afternoon snack. The children who remain at the home for only half a day must be given a snack.

The children's diet, when it is provided by the home will be a balanced diet.

When the foodstuff is provided by the parents the day care mother will make suggestions to the parents in order to insure that said food meets the requirements of the aforementioned section.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Article IV Equipment.

The dining area will have sufficient tables and chairs to accommodate all the children.

There will be individual glasses, plates, and silverware for each child.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

Article VI Physical Plant.

The home where the Family Day Care Home is located must have sufficient indoor and outdoor play space for the children.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Article VI Physical Plant.

All rooms used for children's care, the place where the food is prepared, and the bathrooms must have adequate ventilation and lighting.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

Article VI Physical Plant.

The home where the Family Day Care Home is located must comply with the regulations established by the Bureau of Environmental Health of the Health Department and meet the requirements of the Fire Department.

FAMILY DAY CARE HOMES

PUERTO RICO

1530. BUILDING

Not specified

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

Not specified

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Except where otherwise noted, all citations are from the Rhode Island Department of Social and Rehabilitative Services, Guide for Independent and Agency Foster Boarding Homes: Part-Time Foster Boarding, 1970.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

III. Definitions

R. I. GEN. LAWS, §40-15-2 Childrens Boarding Home Defined.

Any person who for compensation receives for care or treatment or has in his custody one or more children under the age of sixteen (16) years, unattended by a parent or guardian, for the purpose of providing such child with care and lodging, except children related to him by blood or marriage, or legally adopted by, or legally committed by order of any court to such person, shall be deemed to maintain a children's boarding home.

R. I. GEN. LAWS §40-15-3 Institutions for Which License Required.

Any person, unincorporated society, or corporation desiring to maintain a home for aged, a convalescent home, or a home for mental patients in any of which two (2) or more persons shall be cared for, or a children's boarding home, or a day nursery, shall apply to the director of the state department of social and rehabilitative services for a license to maintain such a home.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

Not specified

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE221. Application and Issuance

Rule 1 Application Must Be Filed.

It is necessary that each person who boards one or more unrelated children, either full or part time, apply for a license to Child Welfare Services, the designated agency of the Department of Social and Rehabilitative Services or a licensed child placing agency. This application may be initiated by telephone or by letter. At a personal interview, an application form furnished by the agency is filled out and signed. It then becomes the responsibility of the agency to investigate the facts set forth on the application and to satisfy itself by further interview home visits, and information that the home meets the requirements for a license. This is called a home study. At the conclusion of the home study a decision is made on the application and a license is either granted or denied.

A LICENSE is necessary before a child is taken to board. This is issued for a one year period unless revoked or voluntarily surrendered by the boarding parent. The number of children to be cared for, and the type of care, either full or part time, is specified on the license.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Rule 5 Renewal of License Necessary One Year from Date of Issuance.

Licenses are reissued every year, after agency consideration of care given by the home during its licensed period.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

Rule 4 Continuing Contacts with Child Welfare Services after Issuance of License.

A nurse from Child Welfare Services visits independently licensed homes quarterly or more often, to observe and discuss the children in residence. An agency worker visits both independent and agency homes yearly to complete an annual evaluation of the boarding home. Refusal to permit reasonable inspection and examination shall constitute one valid ground for revocation of the license.

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

Rule 3 License to Board Children Only.

Boarding home care is specialized service, and no home shall be licensed which combines this service with other services such as adult roomer or boarders, convalescent or nursing homes, parents in residence with their children, and any other business. No home shall be licensed for both full-time and part-time care.

Rule 6 Fees for Care.

Independent foster boarding mother sets fee with parent placing child.

The parent who places the child in the licensed independent boarding home is responsible for making and meeting all financial arrangements and maintains full responsibility for the welfare of his child or children.

Before admission there shall be a written boarding agreement between parents or agency and boarding parents on the amount of the fee, services covered, and the date payments are to be made. If a child is placed in a boarding home by a child placing agency the particular agency involved would supply the boarding agreement forms.

A written receipt must be given to the parent or person placing the child by the independent boarding mother each time money is received as board payment.

Rule 8 Community and Home.

The foster home shall be in a wholesome community offering religious, educational, medical and recreational facilities.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

Rule 10 General Care of Children.

The foster boarding home may accept children from infancy to 16 years, required information (as described below) must be kept for each child in the foster boarding home.

A separate sheet giving identifying information and other facts about the child as listed below must be kept on each child by the independent foster boarding home or by the child placing agency. A suggested home register form sheet may be obtained from Child Welfare Services by the independent foster boarding mother.

Information must include:

The name and address of father and mother or guardian.

Date of acceptance for care and name and address of person placing child.

Telephone numbers where either or both parents may be reached in case of an emergency while the child is in care.

A Certificate of Health signed by a physician stating that the child has been examined within the preceding five days and found to be free from contagious disease or exposure to contagious disease and is physically well.

Name and telephone number of the child's physician and instructions from parents on action to be taken in case of emergency if the child becomes ill or has been injured shall be secured for day-time children.

Written consent from parents to secure emergency medical care for the child in case of accident or serious illness shall be secured for daytime children.

Written statement from the child's parents or physician on formula and feeding schedule for the child under one year shall be secured for daytime children.

The approximate date of triple immunizations, polio shots and successful smallpox immunizations and measles protection.

Religion of child.

Date of discharge from care and name and address of person taking child.

Rule 11 Reporting.

Each independent foster boarding home shall keep a register in the home giving the required information as outlined regarding each child in residence. This shall be available to Child Welfare Services staff at any time. It is suggested that an 8 1/2 x 11 looseleaf notebook be used. A separate sheet should be set up for each child. To this should be attached the boarding agreement and the doctor's statement of health.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

See 341. Children.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Rule 10 General Care of Children.

Children in a foster home shall at no time be without competent adult supervision. To insure adult supervision in case of an emergency, arrangements must be made to have a nearby person on call.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981.

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Rule 9 General Requirements for Foster Families.

Foster parents, in general, shall be between the ages of 21 and 60.

512. Health

Rule 9 General Requirements for Foster Families.

Every member of the household shall be free from communicable diseases or any disqualifying mental or physical defects. An annual chest x-ray of all members over 16 in the family is required.

513. Education

Not specified

514. Experience

Rule 9 General Requirements for Foster Families.

The foster family shall provide a normal, happy home for children and shall have a genuine interest and understanding of the care and training of them. Boarding children must be treated as own children and share fully in the family activities.

The foster parents shall be well-balanced, mature individuals, a wholesome example to a child in their home, capable of exercising good judgment and offering a child intellectual, spiritual and moral guidance.

The foster family shall be composed of a complete family unit, with both parents whenever possible.

Foster mother should have knowledge of physical and emotional needs of children and know about growth and development.

All members of a foster family shall be of good character, habits, and reputation.

Favorable references from a physician, clergyman, and three other individuals not related to the family are required.

Both foster mother and foster father should be able to speak the English language.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. ExperienceSec 514. Experience530. SUPPORT STAFF QUALIFICATIONS

Rule 9 General Requirements for Foster Families.

If it is necessary for both foster parents to be absent from the home it is expected that the children shall be left in charge of a person competent to supervise them.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Rule 10 General Care of Children.

The boarding mother is expected to provide individual care and attention to the children under her supervision. Children need her help with good personal hygiene, eating, toilet training, bathing, dressing, learning to use toys, play games, etc.

The daily program for the children needs to be varied to provide opportunity to learn new skills, to stimulate their interest in things around them, and to learn to play with others.

Children should be encouraged to participate in wholesome social, spiritual and recreational activities. Children under 16 years of age shall have no work that will preclude ample opportunity for school or play.

612. Program Equipment and Materials

Not specified

613. Nap Provision

Rule 4 Conformity to Codes.

Adequate accommodations must be available for daytime naps or overnight sleeping in properly ventilated rooms, in comfortable, clean cribs or beds. Fresh linen shall be provided weekly or more often if necessary for the boarding child and shall be for his use alone.

It is desirable that no more than two children occupy a bedroom.

It is desirable that the foster home shall provide each child with a separate bed in a well-ventilated, well-lighted room. Bedrooms should have 50 square feet of floor space per single bed in which each child sleeps or 100 square feet per double bed in which two children of the same sex share a double bed.

All sleeping rooms for children must have at least one window and be used only for sleeping purposes. Living rooms, dining rooms and halls are not considered sleeping quarters.

Never more than two children near the same age shall be permitted to sleep in the same bed, and they must be of the same sex, if over four years of age.

Children over the age of one shall not sleep in a room with adults or foster parents. No child shall share a bed with an adult. All babies must sleep alone in cribs not less than two feet apart.

A responsible adult shall sleep on the same floor where young children are sleeping, to enable suitable supervision.

No child shall sleep below the ground floor of a house.

614. Discipline and Guidance

Rule 10 General Care of Children.

Corporal punishment is prohibited.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 341. Children

713. Immunizations

See 341. Children

714. Sanitation

Rule 4 Conformity to Codes.

The house and yard must be kept clean, free from odors, vermin and accumulation of trash, in accordance with local ordinances.

715. Daily Illness Screening

Rule 10 General Care of Children.

The boarding care mother shall be alert to the child's physical condition. If he shows evidence of communicable disease he is to be isolated from other children and parents notified so he can be taken home (if a part-time boarding child) or cared for adequately.

716. Care of Sick Children

Rule 8 Community and Home.

Foster mother should know about simple home nursing procedures, such as temperature taking, bed baths, and isolation technique.

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Rule 4 Conformity to Codes.

Fire places, open-space heaters etc., must be protected by screens.

No oil space heaters shall be used.

Great care must be taken to protect children from accidents in the home which would result from slipping rugs, unguarded stairs, or low windows improperly cared for electrical equipment or electrical outlets.

723. Transportation

Rule 5 Transportation to and from the foster day care home should be the parent's responsibility. If the foster mother provides transportation to and from the home or for any activities during the day these requirements must be met:

No more children than the licensed capacity of the car can be carried in an automobile licensed as a passenger car. The car must be equipped with safety locks on all doors except the driver's, so arranged that they cannot be opened by the children.

It is advisable that liability insurance be carried on the car and its drivers.

724. Safety Requirements for Equipment

Rule 4 Conformity to Codes.

Toys and play equipment must be kept reasonably clean and in good repair in order that they do not subject children to the danger of injury from splinters, cuts, etc.

There must be no lead paint used on toys, beds, windowsills, or any equipment which might be used by a child or be within his reach.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Rule 4 Conformity to Codes.

A First Aid Kit containing alcohol, tincture of soap, cotton balls, bandaids, small gauze bandages, and adhesive tape must be kept on the premises, out of reach of children.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

Rule 10 General Care of Children.

All food is to be furnished by and prepared in the foster home. Lunches are not to be brought from home for part-time foster children.

Formulas shall be prepared under sanitary conditons. Bottles, nipples, eating and cooking utensils shall be properly cleansed and sterilized in accordance with approved medical procedures.

The daily menu served shall be wholesome, of good quality, and in sufficient amount and variety to insure good nutrition. To insure recommended amounts of nutrients, the following must be included in each day's menu:

Full-Time Care:

- 3 to 4 cups of milk, or equivalent on the basis of calcium content
- 4 to 6 ounces of lean, cooked meat, fish or poultry, or equivalent
- 4 or more servings of vegetables and fruits
- 4 or more servings of whole grain or enriched breads and cereals

400 I.U. Vitamin D-may be consumed as Vitamin D fortified milk
Additional foods to promote normal growth and development

Part-Time Care:

meat, poultry, or fish.....2-4 tablespoons
(1-2 oz. cooked)
cooked vegetables.....2-4 tablespoons
raw vegetables.....2-4 strips
(one dark green or yellow for
vitamin A)
bread.....1/2-1 slice
butter or margarine.....1/2-1 teaspoon
fruit or pudding.....1/4-1/2 cup
milk.....1/2-1 cup

812. Waiver of Requirements

Rule 10 General Care of Children.

Any deviations from normal eating pattern for the child should be followed
only on the written prescription of the physician.

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Rule 4 Conformity to Codes.

Food must be properly refrigerated.

Sanitary dishwashing procedures must be used.

All milk purchased for use in the foster home must have been pasteurized and
bottled at the plant licensed by the Rhode Island Department of Health.

Homes situated in localities served by public water supply and public sewage disposal systems should use these services. Where such services are not available, the facilities shall be approved by the R. I. Department of Health.

Common drinking cups must never be used.

There must be adequate bathing toilet, and handwashing facilities.

Bathroom equipment must include individual towels, washcloths, toothbrushes, combs and brushes for the children.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Rule 4 Conformity to Codes.

If toddlers are cared for, the outdoor play space must be fenced in or there must be adequate protection against traffic accidents.

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Rule 10 General Care of Children.

Provision shall be made for regular attendance at school when child is of school age.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Rule 8 Community and Home.

The foster home shall be in a wholesome community offering religious, educational, medical and recreational facilities.

Adequate space for indoor play and an enclosed yard or safe yard for outdoor play is required on the premises.

The foster home shall have adequate space to accommodate the members of the household.

There shall be facilities for the proper isolation of children in case of illness.

See also 613. Nap Provision

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Rule 3 Fire, Sanitary, and Building Inspections.

The premises to be licensed must meet the requirements of State and Local Town or City Ordinances, and recommendations of the State Fire Marshal, Building Inspector and R. I. Health Officer or Sanitary Officer as required in Title 40, Chapter 15, Section 5 of the General Laws of 1956 as amended.

Rule 4 Conformity to Codes.

No license may be issued until all fire, health, and building laws have been complied with, including the recommendations of the State Fire Marshal, Building Inspector, and R. I. Department of Health and Sanitation.

A new inspection is required each time the licensee changes his place of residence, as a license applies only to the residence occupied at issuance. Notification of such change shall be given verbally or in writing, to Child Welfare Services so that the necessary inspections may be made by fire, building, and health authorities.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the South Carolina Department of Social Services, Regulations for Family Day Care Homes, December, 1976.

100. STATE REGISTRATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO REGISTRATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

S.C. CODE ANN. ARTICLE IV Registration and Penalty.

Family day care home means an occupied residence in which child day care is regularly provided for no more than six children, unattended by a parent or legal guardian, including those children living in the home, and the children received for day care who are related to the resident caregiver.

112. Exclusions and Exemptions

S.C. CODE ANN. ARTICLE IV Registration and Penalty.

An occupied residence in which child day care is regularly provided only for a child or children related to the resident caregiver, or only for the child or children of one unrelated family, or only for a combination of such children is not a family day care home.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR REGISTRATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. REGISTRATION PROCESS AND ENFORCEMENT PROCEDURES210. REGISTRATION PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. REGISTRATION PROCEDURE221. Application and Issuance

S.C. CODE ANN. ARTICLE IV Registration Procedures.

Registration shall be completed on forms supplied by the department and in the manner it prescribes.

Prior to becoming a registered operator, the applicant shall:

sign a statement that he has read the suggested standards developed by the department;

furnish the department with a signed statement by each consumer parent verifying that the operator has provided each day care home and the procedures for filing complaints;

upon request provide the department with any facts, conditions or circumstances relevant to the operation of the family day care home, including references and other information regarding the character of the family day care home operator.

A statement of registration shall be issued when the family day care operator satisfactorily completes the procedures prescribed by this act. The current statement shall be displayed in a prominent place in the facility at all times.

The department shall offer consultation through employed staff or other qualified persons to assist a potential applicant, an applicant or registered operator in meeting and maintaining the suggested standards for family day care homes.

S.C. CODE ANN. ARTICLE V Registration and Inspection.

It shall be the responsibility of the child day care operator to notify the department of the fact of its operation and existence and to request inspection of the facility. It shall be the responsibility of the department to request that the local health and fire safety agencies conduct an inspection of the facility at least annually and more often if necessary to insure compliance with health and fire safety regulations. If there be no local health and safety agencies to conduct the inspection, then the appropriate State Agency will conduct the inspection. The department shall register any such day care facility upon notification from health and fire safety agencies that the day care facility is in compliance with such regulations.

The regulations applied shall be the same health and fire safety regulations applied to other facilities regulated under this act as Secretary of State by the department for Child Day Care Centers and Group Day Care Homes.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. Registration Renewal

S.C. CODE ANN. ARTICLE IV Statement of Registration.

Registration expires at the end of one year from the date of issuance of the statement of registration. Registration may be renewed according to the procedures developed by the department.

225. Conditional/Provisional Registrations

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

S.C. CODE ANN. ARTICLE IV Registration of Family Day Care Homes.

The department shall visit the facility when concerns are expressed by the community regarding the health and safety of the children, child abuse or enrollment beyond the limits set forth in this act.

If the concern is in regard to the health and safety of the children, the department may call on other appropriate agencies (i.e., State Department of Health and Environmental Control, Office of the State Fire Marshal) as necessary to conduct an inspection.

If the concern indicates that the child has been abused, the department shall carry out its responsibility as authorized.

If the visits and inspections verify conditions detrimental to the health and safety of the children or overenrollment, the department shall carry out its responsibility as authorized.

232. Denial, Suspension, Revocation of Registration

S.C. CODE ANN. ARTICLE IV Statement of Registration.

The department shall have the power to withdraw the statement of registration if the health and safety of the children so require, if the facility has enrolled children beyond the limits defined in this act, or if the operator fails to comply with the registration procedures provided in this act.

233. Remedies and Sanctions233.1 Hearings

S.C. CODE ANN. ARTICLE IV Appeals.

A registrant whose statement of registration has been withdrawn by the department shall be given written notice by certified or registered mail. The notice shall contain the reasons for the proposed action and shall inform the registrant of the right to appeal the decision to the commissioner in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the commissioner shall give the registrant reasonable notice and an opportunity for a prompt hearing before a hearing examiner appointed by the Board of the South Carolina Department of Social Services. On the basis of the evidence adduced at the hearing, the commissioner shall make the final decision of the department as to whether the statement of registration shall be withdrawn. If no written appeal is made, the statement of registration shall be withdrawn as of the termination of the thirty-day period.

At the hearing provided for in this section, the registrant may be represented by counsel, and has the right to call, examine and cross-examine witnesses and to otherwise introduce evidence. Parents appearing at the hearing may also be represented by counsel. The hearing examiner is empowered to require the presence of witnesses and evidence by subpoena on behalf of the appellant or department. The final decision of the department shall be in writing, shall contain the department's findings of fact and rulings of law and shall be mailed to the parties to the proceedings by certified or registered mail. A full and complete record shall be kept of all proceedings, and all testimony shall be reported and need not be transcribed unless the decision is appealed to the courts, or a transcript is requested by an interested party. Upon an appeal to the courts, the department shall furnish to any appellate, free of charge, a certified copy of the transcript of all evidentiary proceedings before it. Other parties shall pay the cost of transcripts.

233.2 Decisions

See. 233.1 Decisions

233.3 Judicial Review

S.C. CODE ANN. ARTICLE IV Appeals.

The decision of the department shall become final unless appealed by a party to the hearing to the circuit court having jurisdiction for the county in which the facility is located for review within thirty days after the receipt by the party of the notice of the decision. The review shall consist of a trial de novo.

The court shall have power to enter judgement upon the pleadings and a certified transcript of the record which shall include the evidence upon which the findings and decisions appealed are based.

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300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative RequirementsTHE ADMINISTRATION OF THE HOMEREGULATION: Interpretation of Policies.

The operator shall provide the parent user with a copy of the policies of the family day care home, in such areas as:

- hours and days care is provided (including holidays).
- ages of children accepted.
- plan for fee payments and refunds.
- how operator or parent can end services.
- policy concerning illnesses of children, non-admission and readmission.
- requests concerning children's personal belongings, etc.
- provision of diapers, clothing and formula, if family day care home accepts infants and toddlers.
- procedures parent(s) may use to make a complaint.
- authority and procedures for administering medication and special medical procedures to a child.
- emergency or disaster plan.
- authorization for emergency medical care.

REGULATION: Admission Procedures.

No family day care home shall have present at any one time children in excess of the number for which it is licensed.

EVIDENCE OF COMPLIANCE:

Compliance shall be determined by the actual number of children in the family day care home at a given time as reflected by enrollment records.

REGULATION: Display of License.

The family day care home shall display its current license prominently.

THE STAFF AND THE HOUSEHOLDREGULATION: References.

The operator shall provide the licensing authority with three references from non-related sources to verify his/her suitability to care for children.

312. TelephoneSANITATION AND SAFETY PROVISIONSREGULATION: Emergency Phone Numbers.

Emergency telephone numbers shall be available by a specified telephone which is readily accessible in the day care home.

EVIDENCE OF COMPLIANCE:

The following telephone numbers shall be posted by the telephone:

Ambulance service and emergency service plan.

Police department.

Fire department.

Other emergency numbers shall be available near the telephone. These numbers shall include:

The number of the physician designated by the parent(s).

Home and business numbers of the parent(s).

(Enrollment information or health forms kept in a readily accessible location constitute compliance.)

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. ChildrenTHE ADMINISTRATION OF THE HOMEREGULATION: General Records on the Child.

The operator shall initiate at admission and maintain a general record on each child to include:

Child's name, address, birthdate, and date of his acceptance and discharge.

Full name of both parents, or person responsible for child, family's home address, work addresses and telephone numbers.

Instructions for reaching parents or relatives.

Name, address, and telephone number of another person who might be reached in case of emergency.

Name, address, and telephone number of family physician and/or health resource.

Accurate records of daily attendance of each child.

REGULATION: Child Health Records.

The operator shall maintain a health record on each child containing the following items:

Parent's statement of the child's physical and mental condition at the time of his admission to the family day care home.

Physician's statement where there are handicapping physical or psychological conditions, attesting to the child's ability to participate in activities usual for his age level, and indicating any recommendations.

Written verification that the operator has been shown the immunization card of each child by the parent(s) indicating required immunizations are completed, in process or child meets exemptions.

Other health information as deemed necessary by the operator and parent(s).

342. Staff

THE ADMINISTRATION OF THE HOME

REGULATION: Records on Staff and Household.

The operator shall maintain records on all caregivers including himself, other members of his household, and additional staff or help as follows:

Medical statements completed regarding health status. (See Appendix for information regarding how to secure medical statement form.)

Written evidence from a physician or health department verifying freedom from communicable tuberculosis.

REGULATION: Health Requirements for Staff.

Written evidence shall be required from each staff member verifying his health is satisfactory and would not interfere with his effective functioning in the family day care home.

EVIDENCE OF COMPLIANCE:

Written statements, using the form provided by the department, shall be completed initially by the family day care operator, any additional caregivers, substitutes and emergency person verifying that their current health status is satisfactory.

Written verification from a physician or health resource attesting that each staff person is free from communicable tuberculosis shall be submitted initially and annually thereafter.

REGULATION: Health Requirements for Household.

Written verification shall be required from each household member and domestic help not serving as staff attesting that their health is satisfactory.

EVIDENCE OF COMPLIANCE:

Written statements, using the form provided by the department, shall be completed initially by each member of the household and domestic help.

Written verification from a physician or health resource attesting that each household member and domestic help is free from communicable tuberculosis shall be submitted initially and annually thereafter.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse ReportingTHE ADMINISTRATION OF THE HOMEREGULATION: Reporting Neglect or Abuse.

The operator shall notify the appropriate department staff or local law enforcement official when it appears that a child is being neglected or abused.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981THE CARE OF THE CHILDRENREGULATION: Staff-to-Child Ratios.

The operator shall supervise the care for up to a total of six children, including the operator's own children under 12.

REGULATION: Caregiver Coverage.

Children shall not be left without competent supervision at any time.

No person under 18 years of age shall be left in sole charge of the children at any time.

The operator shall present written evidence that a plan has been worked out whereby an outside person can be summoned quickly to assist in an emergency.

412. Methods of Computing Staff/Child RatiosSee 411. Staff/Child Ratio as of March, 1981420. GROUP SIZE421. Group Size as of March, 1981See 411. Staff/Child Ratio as of March, 1981422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. AgeTHE STAFF AND THE HOUSEHOLDREGULATION: Age of Caregivers.

Caregivers less than eighteen years of age shall be permitted provided the following conditions are met:

They are at least 14 years of age.

They are not the person in authority and are properly supervised.

The facility is in accord with South Carolina Labor Laws regarding the employment of minors in non-hazardous jobs.

512. HealthSee 342. Staff513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS521. AgeTHE STAFF AND THE HOUSEHOLDREGULATION: Age of Operator.

The operator of a family day care home shall have achieved the legal age of majority.

522. HealthSee 342. Staff523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

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600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of ActivitiesTHE CARE OF THE CHILDRENREGULATION: Daily Schedule.

The operator shall establish a daily schedule which will provide regularity of activities with sufficient flexibility and variety to respond to the needs of children.

REGULATION: Activities for Children Three and Above.

The family day care home shall provide daily activities which contribute to the individual child's growth and well-being, including both active and quiet experiences.

REGULATION: Overnight Care.

A family day care home offering overnight care shall provide for the special needs of children during the night, shall adapt to the day/night routines of the parents, and shall assure sufficient, unbroken periods of sleep for the children.

EVIDENCE OF COMPLIANCE:

The operator shall schedule an additional caregiver during sleeping hours to provide for the needs of the children and to respond to emergencies.

The operator shall encourage parent(s) to leave and pick up their children before and after their normal sleeping period so that there is minimal disturbance of the child during sleep.

The operator shall provide comfortable beds or cots and complete bedding and make arrangements with parent(s) for nightclothes (See also Regulation 41.)

REGULATION: Drop-in Care.

Drop-in care shall be offered only if this practice does not cause the operator to exceed the number of children for which the family day care home has been licensed.

612. Program Equipment and MaterialsTHE CARE OF THE CHILDRENREGULATION: Equipment and Materials.

A family day care home shall have available material and equipment appropriate to the needs of the children in care.

613. Nap ProvisionSANITATION AND SAFETY PROVISIONSREGULATION: Sleeping and Resting Equipment.

Individual, comfortable and sanitary equipment for sleeping and resting shall be provided.

EVIDENCE OF COMPLIANCE:

For Daytime Rest and Nap Periods. A separate bed, cot crib or mat shall be assigned each individual for use during rest or nap periods. If mats are used, they shall be made of waterproof washable material and shall be stored and handled in such a manner that the sleeping surface does not contact the floor. If linen is provided, it shall be clean and available for each individual user.

For Overnight Care. If the facility offers overnight care, a bed or cot with a mattress shall be provided. The size of the bed or cot shall be appropriate to the age and size of the user. Each mattress shall be equipped with a waterproof cover or protector. Individual, clean linen shall be provided. Covering shall be available, as necessary.

Placement of Equipment. Placement of beds, cots, cribs, or mats shall allow staff to have ready access to each individual.

614. Discipline and Guidance

THE CARE OF THE CHILDREN

REGULATION: Disciplinary Practices.

Disciplinary practices shall be according to the following requirements:

Limits or rules shall be those necessary to safeguard the children and premises and stated on the children's level of understanding.

No corporal punishment shall be used, except when authorized in writing by the parent(s).

Caregiver(s) shall not deprive children of meals, naps, or bathroom procedures.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 341. Children

713. Immunizations

See 341. Children

714. SanitationTHE STAFF AND THE HOUSEHOLDREGULATION: Health Practices of Staff and Household.

The operator, his household, domestic help and any additional staff shall follow health practices necessary to safeguard the health of the children and other staff, as follows:

Each person shall wash his hands with soap and water before food preparation and/or service and after assisting with toilet use or diaper changes.

No person if afflicted with boils, infected wounds, sores, or acute respiratory infection shall work in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals.

THE CARE OF THE CHILDRENREGULATION: Toilet Articles.

Toilet articles such as combs, brushes, toothbrushes, towels and washcloths, when used by the children in attendance, shall be individually provided and plainly marked.

REGULATION: Personal Hygiene.

The operator and other caregivers shall follow good hygienic practices with the children.

EVIDENCE OF COMPLIANCE:

Wet or soiled clothing shall be changed immediately.

Face and hands shall be thoroughly washed before and after meals.

Hands shall be washed after toileting.

SANITATION AND SAFETY PROVISIONSREGULATION: Facility and Grounds.

The facility and grounds shall be situated, equipped and maintained as needed in order to safeguard the health of the users.

EVIDENCE OF COMPLIANCE:

The facility shall be located in an area reasonably free from health hazards, such as open drainage, ditches, wells, holes, and other natural or man-made obstacles.

Outdoor areas shall be kept neat, clean, and free of litter.

Measures for the control of insects, rodents and other vermin shall be applied to prevent harborage, breeding and infestation of the premises.

Floors shall have smooth, washable surface and shall be kept clean, in good repair, and free from hazards. If carpeting is used, it shall be cleaned regularly and repaired if torn.

Walls and ceiling shall be in sound condition and clean. No lead-based paint (0.5 lead compound per cent of the total weight of the contained solids or dried paint) shall be used on interior and exterior surfaces accessible to children.

Healthy animals, which present no apparent threat, shall be permitted, providing they are properly housed, cared for and have required rabies inoculation.

REGULATION: Water Supply.

The water supply shall meet the bacteriological, chemical, and physical requirements of the South Carolina Department of Health and Environmental Control.

EVIDENCE OF COMPLIANCE:

Water shall be accessible from an approved source of supply, in adequate amounts, under pressure (21 psi. recommended). If a private water supply is used, the operator shall obtain approval from the South Carolina Department of Health and Environmental Control to assure safe location, construction, and proper maintenance and operation of the system.

Water under pressure shall be supplied to the kitchen area where food is processed or handled; laundry room and bathroom. Where hot water is provided, the temperatures shall not exceed 120°F, except that where mechanical dishwashing is used, an adequate supply of 160°F water shall be available to the machine. The operator shall supply mixing faucets at all lavatory fixtures, where hot water is provided.

Each individual shall be provided with a drinking cup, unless disposable cups are used. The use of "common drinking cups" is prohibited. Disposable cups, if used, shall be stored to prevent contamination.

REGULATION: Waste Disposal.

The facility shall follow approved sanitary methods of disposal of wastes.

EVIDENCE OF COMPLIANCE:

All sewage and liquid waste shall be disposed of in a manner not to create a public health hazard and by sanitary methods approved by the local health officials. Where public sewage systems are provided, this shall be the method of disposal.

Refuse shall be stored in contained or designated areas in an approved manner. Garbage and other putrid material shall be stored in durable, rust-resistant, nonabsorbent, watertight, air-tight, rodent-proof, easily cleaned containers away from the reach of children. All solid waste shall be disposed of at sufficient frequencies and manner so as not to create a rodent, insect, or other vermin problem.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

THE CARE OF THE CHILDREN

REGULATION: Emergency Health Care.

The family day care home shall have provision for emergency medical care of children requiring treatment away from the day care setting, such as an arrangement with a hospital, public health department, or local physician.

717. Medication and Special Diet ProvisionsTHE CARE OF THE CHILDRENREGULATION: Administration of Medicine.

The authority for administering medication to children shall be defined as follows:

Medication and/or special medical procedures shall be administered to a child only when there is a request from the parent(s).

Prescription drugs and other medications required by the children shall be properly labeled with the child's name and dosage schedule and kept in a location inaccessible to the children.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety RequirementsSANITATION AND SAFETY PROVISIONSREGULATION: Accident Prevention.

The operator of a family day care home shall provide premises which minimize the risk of accidental injury.

EVIDENCE OF COMPLIANCE:

Outdoor play areas shall be protected by fencing or some type of barrier if location is readily accessible to street or highways or otherwise dangerous.

Outside stairs, walkways, ramps and porches shall be maintained free from accumulations of water, ice or snow.

Stairs, and ramps, if hazardous, shall be provided with handrails.

Where clear glass is used in exterior windows less than 32 inches above floor level, the glass shall be of safety grade.

Flammable liquids, cleaning supplies, detergents, matches, lighters, medications and other such harmful items shall be kept inaccessible to children.

722. Fire Safety Requirements

SANITATION AND SAFETY PROVISIONS

Adjustment of Waivers. These fire safety regulations shall not prevent the use of any material, method of construction, system, or appliance which can be shown by the submission of evidence to the fire safety authority having jurisdiction to provide an equivalent degree of quality, strength, effectiveness, fire-resistance, durability and safety.

THE FIRE SAFETY AUTHORITY HAVING JURISDICTION MAY WAIVE SPECIFIC PROVISIONS OF THESE REGULATIONS WHICH IF RIGIDLY APPLIED, WOULD RESULT IN UNREASONABLE HARDSHIP, BUT ONLY IF SUCH WAIVERS WILL NOT ADVERSELY AFFECT THE SAFETY OF THE OCCUPANTS:

REGULATION: Exit Details.

The following details shall apply to exits in family day care homes:

In a one- or two-family dwelling or building of unprotected woodframe construction used for child day care purposes, every room used for sleeping, living or dining purposes shall have at least two means of egress. At least one of which shall be a door or stairway providing a means of unobstructed travel to the outside of the building at street or ground level.

No room or space shall be occupied for living or sleeping purposes which is accessible only by a ladder, folding stairs, or through a trap door.

REGULATION: Doors.

The doors in family day care homes shall meet the following requirements:

Each door in a means of egress shall be not less than 36 inches wide in new construction and 32 inches wide in existing buildings.

Every closet door shall be such that children can open the door from inside the closet.

Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

REGULATION: Stairs.

Every stairway shall comply at least with the minimum requirements for Class B stairs, as described in Section 5-3 of National Fire Protection Association No. 101 in respect to width, risers, and treads and shall be maintained free of items of storage.

REGULATION: Interior Finish.

The interior finish of family day care homes shall meet the following requirements:

Interior finish in occupied spaces in the family day care home shall be no more hazardous than Class C in accordance with Section 6-2 of National Fire Protection Association No. 101.

The interior finish in means of egress shall be Class A or B.

REGULATION: Detection Systems.

Where the floor above the floor of exit discharge is used for sleeping purposes, there shall be a detector which responds to the products of combustion other than heat at the top of the stairs in a building with open stairways; or inside the dwelling.

REGULATION: Extinguishers.

A portable fire extinguisher suitable for Class B fires shall be provided for the kitchen and cooking areas.

REGULATION: Heating Equipment.

Heating equipment in family day care homes shall meet the following requirements:

Any heaters in spaces occupied by children shall be separated from the space by partitions, screens or other means.

Unvented room heaters shall not be permitted. Oil and gas fired room heaters shall be installed in accordance with the applicable standards listed in Appendix B of National Fire Protection Association No. 101. A guard shall be provided to protect the children from hot surfaces and open flames.

REGULATION: Electrical Services.

Electrical services in family day care homes shall be protected as follows:

Electrical wiring in new construction shall be installed in accordance with the National Electrical Code.

In existing buildings, the electrical wiring shall be sized to provide for the load. Electrical appliances shall be grounded. Receptacles and outlets serviced by extension cord type wiring are prohibited.

Special protective receptacle covers shall be installed in all areas occupied by children in family day care homes for children under 5 years of age.

REGULATION: Flashlight.

At least one operable flashlight shall be provided in a location accessible to the operator for use in the event of a power failure.

REGULATION: Fire Safety Practices.

The operator of a family day care home shall implement the following fire safety practices.

EVIDENCE OF COMPLIANCE:

A fire evacuation plan shall be posted in each room used by children.

Fire drills shall be held a minimum of once a month and at different times of the day.

All walking children shall participate and be skilled in fire drill exercises.

723. Transportation

Not specified

724. Safety Requirements for EquipmentSANITATION AND SAFETY PROVISIONSREGULATION: Safety of Equipment.

Equipment used with or by the children shall be kept reasonably free of hazards.

EVIDENCE OF COMPLIANCE:

Indoor equipment, furnishings and toys shall be of safe construction, free from sharp edges and loose or rusty points. No toy accessible to infants and toddlers shall be small enough to swallow.

Outdoor play equipment shall be free of jagged edges and rust, made of durable, nonpoisonous material, and sturdy. Stationary outdoor equipment shall be firmly anchored.

When cribs and playpens are required after the effective date of these regulations, the safety requirements developed by the United States Consumer Product Safety Commission shall be observed.

725. Water Activities (Including Swimming)

Not specified

726. Emergency ProceduresSANITATION AND SAFETY PROVISIONSREGULATION: Disaster Plan.

The operator shall develop a disaster plan in case of fire or emergencies which shall be put in writing and tested with the children at regular intervals.

727. First Aid SuppliesTHE CARE OF THE CHILDRENREGULATION: First Aid Information.

The operator shall have readily available a chart describing first aid emergency medical treatment techniques.

REGULATION: First Aid Supplies.

First aid supplies shall be available for the treatment of minor cuts and abrasions and stored out of the reach of children.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional RequirementsTHE CARE OF THE CHILDRENREGULATION: Nutritional Needs.

Food of a quantity, variety and quality to meet the daily nutritional needs of the children shall be provided during whatever part of the 24 hour day they are in the family day care home.

EVIDENCE OF COMPLIANCE:

Regular meals and snacks with no more than four hours between food services during the period from 6:00 a.m. to 9:00 p.m.

Milk or full strength fruit or vegetable juice shall be served at least once a day.

If food is provided by the facility, daily menus shall be plainly posted.

REGULATION: Drinking Water.

The family day care home shall have safe drinking water readily accessible to children of all ages.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service RequirementsSANITATION AND SAFETY PROVISIONSREGULATION: Food and Drink.

All food and drink shall be prepared, served and stored so that sanitary cooking methods are observed, nutrients retained and spoilage prevented.

EVIDENCE OF COMPLIANCE:

The operator shall provide refrigeration units and insulated facilities as needed to assure the maintenance of all food at 45°F or below except during preparation and service.

Utensils, such as forks, knives, tongs, spoons, scoops, shall be provided and used to minimize handling of food at all points where food is prepared.

After each usage, all tableware shall be thoroughly cleaned to sight and touch.

After each usage, all kitchenware and food-contact surfaces used in the preparation, serving and storage of food, shall be thoroughly cleaned to sight and touch.

An approved two-compartment sink and a container of adequate length, width, and depth to completely immerse all tableware for final sanitization shall be provided in facilities beginning operation after the effective date of these regulations. A one-compartment sink shall be approved in facilities operating prior to the effective date of these regulations, provided that a container shall be furnished of adequate length, width, and depth to completely immerse all tableware for final sanitization. Hot water sanitizing is discouraged due to a possible health hazard in using extremely hot water of 170°F.

If a dishwashing machine is used, it shall meet the standards for sanitization required by the State Department of Health and Environmental Control.

Facilities which do not have adequate and effective equipment for cleaning and sanitizing utensils shall use single service articles. Single service articles shall be used only once. Single service articles shall be stored in closed cartons or containers which protect them from contamination.

Protection of Food and Food Supplies

All food being stored, prepared or served shall be protected against contamination.

All perishable food-like fruits and vegetables shall be stored at such temperatures as will protect against spoilage.

All raw fruits and vegetables shall be washed thoroughly before being cooked and served, to remove poisonous and toxic materials.

Grade A pasteurized fluid milk and fluid milk products or pasteurized dry milk or evaporated milk shall be served.

Individual portions of food once served shall not be served again.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

THE CARE OF THE CHILDREN

REGULATION: Infant-Toddler Care.

The family day care home shall provide an environment which safeguards infants and toddlers from physical harm but is not so restrictive so as to inhibit physical, intellectual, emotional and social development.

EVIDENCE OF COMPLIANCE:

The caregiver(s) shall provide frequent direct contact so that the children are not routinely left in any situation for long periods of time.

The caregiver(s) shall have frequent verbal communication with the children.

The caregiver(s) shall hold the children while they are feeding or drinking, as long as they are unable to sit in a high chair, an infant seat, or at the table.

The caregiver(s) shall feed infants individually and follow a recognized or prescribed formula, diet and developmental needs.

The caregiver(s) shall offer water to infants and toddlers at frequent intervals.

The caregiver(s) shall provide the following types of equipment and space:

Indoor area protected from general walkways within the home, where crawling children can be on the floor at least part of the day to explore.

Toys and materials which afford opportunities for the children to learn through seeing, feeling, hearing, smelling, and tasting.

Comfortable chairs to use when feeding, holding or playing with the children.

Sleeping equipment including cribs for infants who have not yet begun to climb and low cots for the other children. In a facility with limited space in which cribs and other bulky equipment would leave too little area for floor space, individual floor pads are adequate, provided that that the floors are clean, warm and free from drafts.

1120. HEALTH AND SAFETY REQUIREMENTS

See 1110. Program of Activities

1130. INFANT NUTRITION

SANITATION AND SAFETY PROVISIONS

REGULATION: Food and Drink.

All food and drink shall be prepared, served and stored so that sanitary cooking methods are observed, nutrients retained and spoilage prevented.

EVIDENCE OF COMPLIANCE:

In facilities offering care to infants, formula, juice and baby food served in a baby bottle shall be fully prepared and packaged (ready-to-feed) and identified for the appropriate child at the child's home and provided daily by the parent/guardian; or formula and juice served in a baby bottle shall be provided by the facility as a ready-to-feed, fully prepared and packaged single-use item; or formula and juice may be provided in a manner specifically approved by the local health authority. Any excess formula or juice shall be discarded after each feeding. Formula and juice which require refrigeration and baby food (after opening and re-covering) shall be identified for the appropriate child and shall be refrigerated at 45°F or below.

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACETHE CARE OF THE CHILDRENREGULATION: Space.

A family day care home shall have sufficient indoor and outdoor space for the activities of the children.

EVIDENCE OF COMPLIANCE:

The operator shall provide at least 35 square feet of indoor space per child (exclusive of bathrooms and storage places). Halls may be counted as indoor space if approved by the appropriate fire official.

The operator shall provide at least 75 square feet per child of outdoor space. Where the outdoor space is not available at the facility, the operator may utilize parks or other outdoor play areas which are easily accessible.

1420. LIGHTING, VENTILATION, AND TEMPERATURESANITATION AND SAFETY PROVISIONSREGULATION: Facility and Grounds.

The facility and grounds shall be situated, equipped and maintained as needed in order to safeguard the health of the users.

All rooms shall be adequately lighted and ventilated. Lighting on the task shall never be less than 30 foot candles. Lighting and ventilation systems shall comply with the local and/or state building codes, whichever is more stringent.

Windows and other similar openings shall be protected or otherwise remain closed.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIESSANITATION AND SAFETY PROVISIONSREGULATION: Toilets and Lavatories.

Sufficient toileting and lavatory facilities shall be provided.

EVIDENCE OF COMPLIANCE:

One (1) flush toilet.

One (1) lavatory.

Safe step stools shall be provided to allow standard-sized toilets and lavatories to be used. Training equipment shall be available to children who need it.

Water under pressure, soap and single service towels shall be provided.

Facilities caring for infants shall provide a surface with clean covering for each changing process. Feces shall be disposed of through the sewage system and soiled diapers placed in a plastic lined, covered, leakproof container, which shall be emptied and cleaned daily.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRESANITATION AND SAFETY PROVISIONSREGULATION: Minimum Construction Standards.

Each building used as a family child day care home shall meet the local minimum housing code and the fire prevention code for the applicable class of residential construction.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Rules of the South Dakota Department of Social Services, Chapter 67:42:03, Day Care Homes, October, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

§67:42:03:01 Definition of terms.

"Family day care" - the care and supervision of the child or children by an unrelated provider as a supplement to regular parental care on a regular basis for part of a twenty-four hour period;

"In-home care" - the care and supervision of a child or children by a related or unrelated provider in the child's or children's own home for part of a twenty-four hour period; and

"Family day care in a relative's home" - the care and supervision of a child or children by a related provider in the relative's own home for a part of a twenty-four hour period.

112. Exclusions and Exemptions

§67:42:03:03 Approval of in-home care and family day care in a relative's home.

In-home care and family day care in a relative's home must be approved by the department before payment may be made from state or federal funds. In-home care and family day care in a relative's home are exempt from all provisions of this chapter with the exception of §67:42:03:04, 67:42:03:07, 67:42:03:13, and 67:42:03:15. In-home care and family day care in a relative's home are also exempt from the provision of §67:42:03:05.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

722

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

§67:42:03:09 Reporting and maintenance of records.

Reporting and maintenance of records by the provider shall be subject to the provisions of §67:42:01:21. In addition, written permission from parents allowing for the child's medical care, field trips, publicity, travel and special diets shall be obtained and maintained by the provider.

See also DAY CARE CENTERS

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

724

331. Requirements Prohibiting Discrimination

See DAY CARE CENTERS

340. RECORDS REQUIREMENTS341. Children

See 712. Health Assessments

342. Staff

See 512. Health

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

§67:42:03:04:01 Adult-child ratio.

Those family day-care providers receiving state or federal funds shall maintain an adult-child ratio no lower than one adult to four children zero to three years of age and no lower than one adult to six children for children three to fourteen years of age.

§67:42:03:15 Presence of the provider.

The provider shall be present in a family day care home whenever a child in care is present. The provider may arrange for a substitute provider. When a substitute provider is to be used, the child's parent must be notified.

412. Methods of Computing Staff/Child RatiosSee 411. Staff/Child Ratio as of March, 1981420. GROUP SIZE421. Group Size as of March, 1981See 411. Staff/Child Ratio as of March, 1981422. Methods of Computing Group SizeSee 411. Staff/Child Ratio as of March, 1981500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. AgeSee 521. Age512. HealthSee 522. Health513. EducationSee 523. Education514. ExperienceSee 524. Experience520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

§67:42:03:07 Age and family composition.

The family day care applicant shall be at least eighteen years old. The age of the applicant shall be considered in relation to his physical energy,

flexibility, and ability to care for a child. The applicant's family composition and relationships must not adversely affect a child in care.

See also DAY CARE CENTERS

522. Health

See DAY CARE CENTERS

523. Education

See DAY CARE CENTERS

524. Experience

§67:42:03:06 Criteria for family day care provider.

In addition to the criteria of §67:42:01:06, a family day care provider shall have personal characteristics and relationships which make it possible for him to undertake and perform the responsibilities necessary to care for children.

See also DAY CARE CENTERS

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

\$67:42:03:14 Program standards for family day care.

A provider shall conduct a program in a family day care home which provides experiences that promote the child's physical, emotional, social and intellectual growth and well-being. The program shall include both active and passive learning experiences which encourage skill development, social competence, self-esteem and positive self-identity.

612. Program Equipment and Materials

Not specified

613. Nap Provision

Not specified

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

\$67:42:03:08 Physical health standards for family day care children.

The day care provider shall request from the child's parent or guardian a written statement by a duly licensed physician or physician's assistant

indicating that the child in day care is generally in good health and is free from communicable diseases. A written statement indicating that the child is free from, or is in control of, tuberculosis and has been immunized for rubella, mumps, whooping cough, diphtheria, tetanus, and polio shall also be requested. Medication shall only be given to a child upon written parental consent. All medications shall be kept in a place inaccessible to children. A daily health observation must be made of each child in day care. If a child suffers an illness requiring isolation, proper notification shall be given to the parents. If a communicable disease is evident, parents of the children in day care shall be notified of the exposure.

713. Immunizations

See 712. Health Assessments

714. Sanitation

§67:42:03:12 Sanitation requirements.

Good housekeeping habits shall be practiced. Baths, bowls, and basins shall be maintained in a clean and sanitary condition. Garbage, refuse and waste shall be handled and disposed of in a safe and sanitary manner. Sewage shall be disposed of by means of a public sewage disposal system, or a septic system, so as not to constitute a source of contamination of food equipment, utensils, or otherwise create an unsanitary condition or nuisance.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

See 712. Health Assessments

717. Medication and Special Diet Provisions

See 712. Health Assessments

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety RequirementsSee 1410. SPACE722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

§67:42:03:13 Nutrition requirements.

If a child remains in family day care for more than four hours, a warm nutritious meal shall be served which supplements at least one-third

730

of the child's daily nutritional needs. Midmorning and midafternoon snacks are also required to be served.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

§67:42:03:10 Location of family day care home.

A family day care home must have access to medical, recreational and other community facilities.

§67:42:03:11 Physical requirements of family day care home.

There shall be no hazard to the day care child concerning fire, sanitation, sewage disposal, water supply, milk supply, or food preservation. Physical accommodations must afford a degree of comfort sufficient to ensure the family's self-respect and its well being in the community where it is situated. A family day care home shall be so constructed, arranged, equipped, maintained and operated as to avoid undue danger to the lives and safety of its

occupants from fire, smoke, fumes or resulting panic during the period of time reasonably necessary for escape from the structure in case of fire or other emergency. Two convenient exits, one of which may include a window, shall be available in a family day care home. All space occupied by persons and approaches shall have approved artificial lighting at a satisfactory level for general safety. The water supply shall derive from a public water system or one approved by the department of health. The water volume shall be sufficient to meet the needs of the home. The hot water system shall be capable of supplying the home with water at proper temperatures. The heating plant shall be capable of maintaining a comfortable temperature throughout the home. Each home shall have on file with the department an authorized safety check list indicating safety requirements have been met.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

See 1210. SPACE

1430. EXITS

See 1210. SPACE

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Tennessee Department of Human Services, Standards for Group and Family Day Care Homes, July, 1978. Standards indicated in all caps are required and must be met before an annual license is issued or the agency must demonstrate good intentions of meeting them before a temporary license can be issued. Value points received from meeting the recommended standards (indicated in regular type) are counted in determining whether the agency receives a Grade A, B, or C license. One hundred (100) is the maximum number of points available. An agency receiving 85-100 points will receive a Grade A license; 65 through 84 points, a Grade B license; less than 65 points, a Grade C license.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

TENN. CODE ANN. §14-10-101 Definitions.

As used in this chapter "child welfare agency" shall include "child-caring institution," "child-placing agency," "maternity home," "family boarding home," "group care home," "family day-care home," "group day-care home," and "day-care center."

"Family day-care home" shall mean the home operated by any person who receives therein for pay five (5) or more children under seventeen (17) years of age, who are not related to such person and whose parents or guardians are not residents in the same house, less than twenty-four (24) hours per day for care, without transfer of custody.

112. Exclusions and Exemptions

See DAY CARE CENTERS

(Preschool Children)

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

See DAY CARE CENTERS

(Preschool Children)

122. Responsible Official

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200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. Licensing Process211. Promulgation of Regulations

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212. Advisory Body and Other Community Participation

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220. LICENSING PROCEDURE221. Application and Issuance

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222. Fee Charged

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223. Areas of Investigation

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224. License Renewal

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225. Conditional/Provisional Licenses

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226. Substantial Compliance

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230. ENFORCEMENT PROCEDURES231. Facility Inspections

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232. Denial, Suspension, Revocation of a License

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233. Remedies and Sanctions233.1 Hearings

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233.2 Decisions

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(Preschool Children)

233.3 Judicial Review

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(Preschool Children)

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

I Administration - Statement of Purpose.

THE APPLICANT FOR A LICENSE MUST COMPLETE IN THE PRESENCE OF
THE LICENSING COUNSELOR THE "STATEMENT OF PURPOSE."

THE MOST RECENT FIRE SAFETY AND ENVIRONMENTAL REPORTS MUST
BE ON FILE FOR A GROUP DAY CARE HOME AND AVAILABLE TO THE
LICENSING COUNSELOR.

AN UP-TO-DATE LICENSE TO OPERATE A GROUP OR FAMILY DAY CARE
HOME MUST BE PLACED WHERE ANYONE ENTERING THE HOME WILL BE
ABLE TO SEE IT.

312. Telephone

VII Physical Facilities - General Requirements.

THERE MUST BE A TELEPHONE IN WORKING ORDER IN THE HOME FOR
USE IN EMERGENCIES AND OTHER COMMUNICATIONS.

THESE TELEPHONE NUMBERS MUST BE POSTED NEAR THE TELEPHONE:
FIRE DEPARTMENT, POLICE DEPARTMENT, HOSPITAL, AND NUMBER
WHERE PARENTS CAN BE REACHED. RESCUE SQUAD, AMBULANCE AND
POISON CONTROL CENTER TELEPHONE NUMBERS MUST ALSO BE
POSTED IF AVAILABLE IN THE COMMUNITY.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

VII Physical Facilities - General Requirements.

The operator should carry liability insurance covering both children and adults
in case of accident.(3 POINTS)

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

I Administration - Records.

THESE RECORDS MUST BE KEPT AND MUST BE AVAILABLE TO THE
LICENSING COUNSELOR:

CHILDREN'S HEALTH RECORDS MUST BE ON FILE.

DAILY ATTENDANCE RECORDS.

AN APPLICATION FORM MUST BE KEPT FOR EACH CHILD LISTING:

NAME, DATE OF BIRTH, NAME OF PARENT(S) OR GUARDIAN(S), HOME ADDRESS, BUSINESS ADDRESS AND TELEPHONE, WORK HOURS, CHILD'S BACKGROUND INFORMATION, TRANSPORTATION PLAN, AND THE NAMES OF PERSONS ALLOWED TO PICK THE CHILD UP.

EMERGENCY INFORMATION FOR EACH CHILD LISTING: THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON PARENTS WISH TO BE CALLED IF THEY CANNOT BE REACHED IN AN EMERGENCY; THE NAME, ADDRESS AND TELEPHONE NUMBER OF A DOCTOR TO CALL IN AN EMERGENCY; WRITTEN PERMISSION OF PARENT (OR GUARDIAN) AUTHORIZING EMERGENCY MEDICAL CARE. THIS INFORMATION MUST BE KEPT WHERE IT CAN BE FOUND QUICKLY IN AN EMERGENCY.

A record of how each child is growing and learning should be kept. The record should have notes on how the child acts, what his/her speech is like, how he/she feels about self and others, how he/she uses his/her body, and the way he/she learns. The record may be written out or a checklist may be used. This can be provided by the Department. Notes should be dated when they are made. Records are to help the child care provider and are not report cards for parents.

342. Staff

I Administration - Records.

THERE MUST BE A RECORD ON ALL STAFF MEMBERS WHICH LISTS EDUCATION, TRAINING AND EXPERIENCE, AND HEALTH RECORD AVAILABLE TO THE LICENSING COUNSELOR:

343. Child Eligibility and Enrollment Requirements

I Administration - Enrollment Policy.

CHILDREN MUST BE AT LEAST 6 WEEKS OLD BEFORE ENTERING DAY CARE.

Parent and child together should visit the day care home for a short time to see the home and to meet the child care provider and the other children. Other visits as needed should be made so that the child feels comfortable in the day care home. (1 POINT)

A policy statement form signed by both the child care provider and the parent, should be given to the parent. (1 POINT)

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

II Staff - Adult-Child Ratio and Supervision.

THERE MUST BE AN ADULT STAFF PERSON (AT LEAST 18 YEARS OLD) PRESENT AT ALL TIMES.

A PERSON UNDER 18 MAY WORK WITH THE CHILDREN ONLY IF AN ADULT STAFF PERSON IS PRESENT.

Group Day Care Home (8-12 Children).

THERE MUST BE NO MORE THAN 12 CHILDREN IN A GROUP DAY CARE HOME WHO ARE NOT RELATED TO THE PROVIDER.

IF MORE THAN 12 CHILDREN ARE IN THE HOME, INCLUDING THE CHILD CARE PROVIDER'S OWN CHILDREN, A SECOND ADULT MUST BE PRESENT.

IF ANY CHILD UNDER 3 YEARS OLD OR ANY SEVERELY HANDICAPPED CHILD, INCLUDING THE PROVIDER'S OWN CHILDREN, IS IN A GROUP DAY CARE HOME, A SECOND ADULT MUST BE PRESENT WHILE THAT CHILD (OR CHILDREN) IS PRESENT. IF GROUP DAY CARE HOME ENROLLMENT DROPS TO 7 CHILDREN OR BELOW, THE FAMILY DAY CARE HOME RATIOS MUST BE MET.

IF SITUATIONS #2 AND #3 BOTH EXIST, A THIRD ADULT MUST BE PRESENT.

Family Day Care Home (5-7 Children).

THERE MUST BE NO MORE THAN 7 CHILDREN IN A FAMILY DAY CARE HOME WHO ARE NOT RELATED TO THE PROVIDER.

IF MORE THAN 7 CHILDREN ARE IN THE HOME, INCLUDING THE CHILD CARE PROVIDER'S OWN CHILDREN, A SECOND ADULT MUST BE PRESENT.

IF MORE THAN 4 CHILDREN UNDER 2 YEARS OLD, INCLUDING THE CHILD CARE PROVIDER'S OWN CHILDREN, ARE ENROLLED IN A FAMILY DAY CARE HOME, THERE MUST BE A SECOND ADULT PRESENT.

IF SITUATIONS #2 AND #3 BOTH EXIST, A THIRD ADULT MUST BE PRESENT.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

II Staff - Qualifications of Adult Helpers.

HELPERS MUST BE AT LEAST 18 YEARS OF AGE IN ORDER TO BE COUNTED IN THE ADULT CHILD RATIO.

512. Health

Health - Staff Health Requirements.

CHILDREN MUST BE AT LEAST 6 WEEKS OLD BEFORE ENTERING DAY CARE.

ALL STAFF MEMBERS MUST HAVE ON FILE BEFORE BEGINNING TO WORK WRITTEN EVIDENCE OF A PHYSICAL EXAMINATION AND A STATEMENT THAT THEIR GENERAL PHYSICAL CONDITION WILL PERMIT THEM TO DIRECT AND ACTIVELY PARTICIPATE IN THE ACTIVITIES OF A GROUP OF CHILDREN. THIS MUST BE SIGNED BY A PHYSICIAN OR A HEALTH AGENCY.

AN UPDATED STATEMENT OF THE CHILD CARE PROVIDER'S HEALTH CAN BE REQUESTED AT THE DISCRETION OF THE DEPARTMENT WHEN DEEMED NECESSARY.

EACH STAFF MEMBER MUST PRESENT WRITTEN EVIDENCE OF A YEARLY TUBERCULIN SKIN TEST OR CHEST X-RAY WITH NEGATIVE RESULTS.

ADULT FAMILY MEMBERS WHO ARE IN CONTACT WITH THE CHILDREN AS OFTEN AS ONCE A WEEK MUST HAVE A YEARLY TUBERCULIN SKIN TEST OR CHEST X-RAY WITH NEGATIVE RESULTS.

All child care providers and their helpers should have a complete physical examination annually. (2 POINTS)

513. Education

II Staff - Qualifications of Adult Helpers.

Helpers should have a high school diploma or a G.E.D. (1 POINT)

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

II Staff - Qualification of the Child Care Providers.

THE CHILD CARE PROVIDER MUST BE AT LEAST 18 YEARS OLD.

The child care provider should be at least 21 years old. (1 POINT)

522. Health

See 512. Health

523. Education

II Staff - Qualification of the Child Care Providers.

The child care provider should have a high school diploma or a G.E.D. (1 POINT)

524. Experience

II Staff - Qualifications of the Child Care Providers.

THE CHILD CARE PROVIDER MUST BE ABLE TO READ AND WRITE.

THE CHILD CARE PROVIDER MUST BE ABLE TO EXPLAIN THE PROCEDURES TO FOLLOW IN CASE OF FIRE OR SERIOUS ACCIDENT OR ILLNESS OF A CHILD OR STAFF MEMBERS.

PLANS MUST BE MADE FOR A SECOND ADULT TO HELP IN AN EMERGENCY.

RECOMMENDATIONS FROM AT LEAST THREE REFERENCES MUST BE PROVIDED IN WRITING.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

II Staff - Qualifications of the Child Care Providers.

The child care provider should have attended at least four hours of meetings or workshops on child development during the year. (2 POINTS)

The child care provider should have passed at least one course on child development during the year. (1 POINT)

The child care provider should have completed a minimum first-aid course, a Red Cross first-aid course, or a workshop or training course on first-aid procedures within the previous three years. (2 POINTS)

542. Child Caregiver Staff

II Staff - Qualifications of the Child Care Providers.

Helpers should attend at least one 2-hour workshop on child development during the year. (1 POINT)

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

II Program - Physical Care - Toilet Training.

TOILET TRAINING MUST NEVER BE STARTED UNTIL A CHILD HAS BEEN IN THE DAY CARE HOME LONG ENOUGH TO FEEL COMFORTABLE.

TOILET TRAINING MUST NOT BE STARTED UNTIL A CHILD IS ABLE TO UNDERSTAND, TO DO WHAT IS ASKED OF HIM/HER AND TO LET HIS/HER NEED TO USE THE BATHROOM BE KNOWN.

CHILDREN MUST NOT BE MADE TO SIT ON THE POTTY FOR MORE THAN FIVE MINUTES.

CHILDREN MUST BE DIAPERED OR CLEANED WHEN NEEDED.

EXCEPT WHEN THE WEATHER IS EXTREMELY BAD, THERE MUST BE A CHANCE FOR OUTDOOR PLAY EACH DAY FOR CHILDREN OF ALL AGES, INCLUDING INFANTS AND TODDLERS.

ACTIVITIES MUST BE PLANNED SO THAT THINGS HAPPEN AT ABOUT THE SAME TIME EACH DAY TO GIVE SECURITY TO THE CHILD.

CHILDREN MUST BE GIVEN SOME CHOICES IN PLAY ACTIVITIES. OTHER PLAY ACTIVITIES WILL BE PLANNED BY THE CHILD CARE PROVIDER.

There should be a home-like feeling.

Children should not be kept in one room all day. (2 POINTS)

Things should move slowly, so no child feels hurried. (1 POINT)

Except for meal time and nap time, all children should not be made to do the same thing at the same time. (3 POINTS)

If children under age one are in care, their individual eating and sleeping schedules should be respected and followed. (2 POINTS)

Stories, singing with children, listening and talking with children should be done daily. (4 POINTS)

Children should be encouraged daily to express their feelings and ideas through music, painting, pasting, cutting, blocks, or in other ways. (4 POINTS)

612. Program Equipment and Materials

III Equipment for Children - General.

There should be child-sized tables and chairs. (2 POINTS)

THERE MUST BE PLAY EQUIPMENT FOR ACTIVE AND QUIET PLAY THAT IS SUITABLE FOR THE CHILDREN'S AGES AND INTERESTS, AND FOR CHILDREN WITH SPECIAL NEEDS.

THERE MUST BE ENOUGH PLAY EQUIPMENT SO THAT EACH CHILD CAN TAKE PART IN MANY KINDS OF PLAY EACH DAY.

PLAY EQUIPMENT MUST BE PLACED IN SUCH A WAY THAT CHILDREN CAN GET IT AND RETURN IT WHEN NEEDED, SO THAT THEY CAN GROW IN INDEPENDENCE.

There should be play things for make believe every day. (2 POINTS)

Art material should be available. (2 POINTS)

There should be at least twice as many books as there are children. They should be in good shape, right for the ages of the children and placed where they can choose their own. (2 POINTS)

There should be music equipment. (2 POINTS)

There should be enough quiet toys and games such as puzzles or beads or pegs to be used every day. (2 POINTS)

Toys should be stored in an orderly way. For example: all blocks should be stored together. (2 POINTS)

THERE MUST BE ENOUGH PLAY EQUIPMENT SO THAT EACH CHILD CAN TAKE PART IN MANY KINDS OF PLAY EACH DAY.

There should be something to climb. (2 POINTS)

Provisions should be made for sand play. (2 POINTS)

Provisions should be made for water play. (2 POINTS)

There should be child-size wheel toys. (2 POINTS)

There should be equipment for make believe. (2 POINTS)

There should be balls of different sizes. (1 POINT)

613. Nap Provision

IV Program - Physical Care - Naps.

THE PRESCHOOL CHILD MUST HAVE A REST PERIOD, ACCORDING TO HIS NEEDS.

IF PRESCHOOL CHILDREN ARE PRESENT AS LONG AS 6 HOURS, NAPS OR A REST PERIOD LYING DOWN ARE REQUIRED.

EACH CHILD UNDER 15 MONTHS OLD AND ANY CHILD UNABLE TO WALK MUST HAVE HIS/HER OWN CRIB.

EACH CHILD 15 MONTHS (AND ABLE TO WALK) THROUGH 5 YEARS MUST HAVE HIS/HER OWN COT, BED, OR FOAM PAD AVAILABLE.

IF COTS, CRIBS, OR MATS ARE USED, THEY MUST BE TWO FEET APART.

EACH COT, CRIB, MAT, OR FAMILY BED MUST HAVE A CLEAN SHEET AND COVERLET.

A CHILD MUST NOT BE LEFT IN A CRIB OR ON A COT FOR A VERY LONG TIME AFTER HE/SHE HAS RESTED.

Rocking, back rubbing, or other soothing acts should be used to help children prepare for rest. (1 POINT)

The house should be quiet at nap time. (2 POINTS)

Lighting should be dimmed. (1 POINT)

Children who wish should have a favorite toy or special thing to cuddle at nap. (1 POINT)

Children should be given the security of being able to sleep in the same place and on the same cot, crib, mat, or bed every day. (1 POINT)

614. Discipline and Guidance

Program - Discipline.

DISCIPLINE MUST BE REASONABLE AND IN TERMS OF THE CHILD'S UNDERSTANDING, PUNISHMENT WHICH IS SHAMING, HUMILIATING, FRIGHTENING, OR INJURIOUS TO CHILDREN MUST NOT BE USED. PARENTS AND CHILD CARE PROVIDER SHOULD AGREE ON DISCIPLINE WHENEVER POSSIBLE. IF THIS INCLUDES SPANKING, THE PARENT MUST GIVE WRITTEN PERMISSION BEFOREHAND.

Praise and encouragement of good behavior should be used instead of noticing only unacceptable behavior. (2 POINTS)

Spanking should not be used. (2 POINTS)

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

IV Health - Child's Health Requirements.

A yearly microhematocrit or hemoglobin determination should be done on all children in day care by a physician or local health department. This will show if the child is anemic or not. (1 POINT)

All children should have physical examinations on the following schedule:

- birth to six months — every two months;
- six months to one year — every three months;
- one year to two years — every six months;
- two years to six years — every twelve months;
- six years and older — every three years. (2 POINTS)

713. Immunizations

IV Health - Child's Health Requirements.

BEFORE A CHILD IS ACCEPTED FOR CARE, THE CHILD MUST HAVE BEEN TESTED FOR TUBERCULOSIS (TB) AND IMMUNIZED AGAINST THESE DISEASES: DIPHTHERIA, TETANUS, POLIO, MEASLES, RUBELLA, AND PERTUSSIS AS EVIDENCED BY HAVING A HEALTH FORM SIGNED BY THE PHYSICIAN OR HEALTH DEPARTMENT.

A STATEMENT SIGNED OR STAMPED BY A LICENSED PHYSICIAN OR HEALTH CLINIC IS ACCEPTABLE IF IT SAYS THE IMMUNIZATIONS HAVE BEGUN. IF IMMUNIZATIONS ARE NOT CONTINUED BY THE PARENT, AS RECOMMENDED BY CHILD HEALTH STANDARDS ADOPTED BY THE TENNESSEE DEPARTMENT OF PUBLIC HEALTH OR IMMUNIZATION PRACTICES OF THE ACADEMY OF PEDIATRICS, THE CHILD WILL NOT BE ALLOWED TO REMAIN IN DAY CARE.

A COPY OF EACH CHILD'S IMMUNIZATION RECORD, WITH DATES AND THE RESULTS OF THE TB TEST MUST BE GIVEN TO THE CHILD CARE PROVIDER. THESE SHALL BE RETURNED TO THE PARENT UPON REQUEST WHEN THE CHILD LEAVES THE DAY CARE HOME.

THESE RULES MUST BE FOLLOWED FOR THE CHILD CARE PROVIDER'S OWN CHILDREN IF THEY ARE PRESCHOOL AGE LIVING IN THE FAMILY HOME.

714. Sanitation

Not specified

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Not specified

722. Fire Safety Requirements

See 726. Emergency Procedures

723. Transportation

I Administration - Transportation.

WHEN TRANSPORTATION IS PROVIDED, THE DRIVER MUST BE LICENSED AND THE VEHICLE PROPERLY INSURED.

CHILDREN MUST NOT BE LEFT ALONE IN A VEHICLE.

PLANS FOR EMERGENCY TRANSPORTATION MUST BE MADE IN ALL HOMES.

724. Safety Requirements for Equipment

III Equipment for Children - General.

ALL EQUIPMENT MUST BE WELL MADE AND SAFE. THERE MUST BE NO SHARP EDGES, SPLINTERS, OR NAILS STICKING OUT.

UNSAFE EQUIPMENT MUST BE REPAIRED OR REMOVED FROM THE DAY CARE HOME AT ONCE.

PAINTS ON TOYS AND ALL EQUIPMENT USED BY CHILDREN MUST BE NON-TOXIC.

CLIMBERS, SWINGS AND OTHER LARGE EQUIPMENT MUST BE SECURELY ANCHORED.

EQUIPMENT MUST BE PLACED TO AVOID ACCIDENTS: FOR EXAMPLE, SWINGS MUST BE PLACED OUT OF TRAFFIC PATHS.

IF THERE ARE CLIMBERS OR SWINGS, THEY MUST NOT BE PLACED OVER CONCRETE OR ASPHALT.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

VII Physical Facilities - General Requirements.

FIRE DRILLS MUST BE CONDUCTED MONTHLY.

727. First Aid Supplies

V Health - Child's Health Requirements.

The first-aid chart, "When the Unexpected Happens," available from the Tennessee Department of Human Services, should be posted, and the child care provider should be familiar with its contents. (1 POINT)

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

VI Food - Nutritional Needs.

FOR CHILDREN IN THE HOME AT LEAST FOUR HOURS, ONE SNACK MUST BE PROVIDED, UNLESS THE FOUR-HOUR PERIOD COVERS A NORMAL MEAL HOUR, IN WHICH CASE A MEAL MUST BE PROVIDED.

FOR CHILDREN IN THE HOME FIVE TO TEN HOURS, ONE MEAL AND ONE OR TWO SNACKS MUST BE PROVIDED, TWO SNACKS IF THE PERIOD IS AS MUCH AS SEVEN HOURS.

FOR THOSE IN THE HOME LONGER THAN TEN HOURS, TWO MEALS AND TWO SNACKS MUST BE FURNISHED.

DIETS OF INFANTS AND OTHER SPECIAL DIETS MUST BE PREPARED AS PRESCRIBED BY THE PHYSICIAN.

BREAKFAST MUST BE OFFERED TO CHILDREN WHO ARRIVE BEFORE 7:00 A.M. AND WHO HAVE NOT HAD BREAKFAST AT HOME.

THE WEEK'S MENUS MUST BE PLANNED AND POSTED BY THE FIRST DAY OF EACH WEEK SO THAT PARENTS CAN KNOW THE FOOD THEIR CHILDREN ARE RECEIVING. THESE MENUS MUST BE FOLLOWED, ALTHOUGH REASONABLE SUBSTITUTIONS ARE PERMISSIBLE IF THE SUBSTITUTED FOOD CONTAINS THE SAME NUTRIENTS.

Meals or snacks should include a Vitamin C food each day, a Vitamin A food three times or more a week, and foods rich in iron at least once per day. (3 POINTS)

The following meal pattern should be used as a guide for breakfast:

- * 1/3 to 1/2 cup fruit or full-strength fruit or vegetable juice (may be served as morning snack)
- * 1/4 to 1/2 cup whole grain or enriched or fortified cereal (cooked or prepared) and/or one egg.
- * 3/4 to 1 cup (8 oz.) milk, part to drink and part on cereal.
- * 1/2 to 1 slice enriched or whole wheat toast or equivalent (may be served as morning snack). (3 POINTS)

The following meal pattern should be used as a guide for the noon meal:

- * 3/4 to 1 cup (8 oz.) milk.
- * 1 to 2 ounces (edible portion) of meat or egg or cheese (dried beans or peanut butter not more than once a week as a substitute).
- * Fruits and vegetables amounting to 1/2 cup or more combined.
- * 1/2 to 1 slice enriched or whole grain bread or equivalent.
- * Butter or fortified margarine.

- * Additional foods to complete the meal, such as other vegetables or rice, macaroni or spaghetti, simple desserts such as fruit, puddings or custard. (4 POINTS)

Snacks provided should be simple and nourishing and planned as a part of the day's food allowances. Carbonated drinks, fruit ades, synthetic fruit-flavored drinks, and candy should not be served as snack foods. Real juice will be labeled "juice."

Food patterns for snacks:

Morning

- * 1/2 cup fruit or vegetable, or full-strength fruit or vegetable juice, or milk.
- * Bread product (made from enriched flour or meal.)

Afternoon

- * 1/2 cup fruit or vegetable, or full-strength fruit or vegetable juice, or milk.
- * Bread product (made from enriched flour or meal.) (2 POINTS)

At least one full-time staff member should have completed a minimum nutrition course or workshop at least every 5 years. (2 POINTS)

A 4-week cycle menu should be prepared and used. (2 POINTS)

The provider should have a copy of "Food Service for Child Care Centers" and be familiar with it. This booklet is furnished by the Department of Public Health and the Department of Human Services. If infants are cared for, the provider should have and use "Food for Infants" which is available from the Department of Public Health. (1 POINT)

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

VI Food - Meal Service.

THE CHILD MUST BE HELD WHILE HE/SHE IS FED AS LONG AS HE/SHE IS UNABLE TO SIT IN A HIGH CHAIR OR AT THE TABLE. BOTTLES MUST NEVER BE PROPPED. WHEN A CHILD CAN USE A HIGH CHAIR, HE/SHE MUST BE ALLOWED TO DO SO AND TO EXPERIMENT WITH FOOD, WITH FEEDING HIMSELF/HERSELF AND BE ALLOWED TO EAT WITH FINGERS OR SPOON.

SOLID FOODS MUST NOT BE GIVEN IN A BOTTLE, NOR WITH INFANT FEEDERS, TO CHILDREN OF NORMAL EATING ABILITIES.

FOOD, INCLUDING DESSERT, MUST NOT BE FORCED ON OR WITHHELD FROM A CHILD.

Desserts and sweets should not be used as rewards. (1 POINT)

The children should have the opportunity to use forks and spoons at mealtime. Napkins should also be a part of the place setting. (1 POINT)

Adults should sit at the tables with the children. (1 POINT)

Adults should eat with the children. (1 POINT)

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

I Administration - Records.

Parent conferences should be about the information in the record kept on the child. Parents should be given a chance to say how they feel about the day care home. The child care provider should write a few notes about the conference and file them in the child's record.

A record of each child's development should be kept and updated every three months. (1 POINT)

At least one parent conference should be held each year. (1 POINT)

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

III Equipment for Children.

Babies and young children should have additional equipment such as high chairs, walkers, etc., for comfort and safety. (2 POINTS)

There should be special infant and toddler toys if infants and toddlers are cared for. (2 POINTS)

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

Not specified

758

1220. HEALTH AND SAFETY REQUIREMENTS

IV Health - Child's Health Requirements.

IF HANDICAPPED CHILDREN ARE ENROLLED, THEIR HEALTH RECORDS MUST INCLUDE A PHYSICIAN'S STATEMENT INCLUDING THE PARTICULAR NATURE OF THE HANDICAP AND THE PHYSICIAN'S SPECIAL INSTRUCTIONS TO THE CHILD CARE PROVIDER FOR THE CHILD CARE.

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

III Equipment for Children.

There should be a place for each child's coats, hats, and his own things, with a plan for storing extra clothes. (1 POINT)

IV Program - Outdoor Play.

IN GROUP DAY CARE HOMES, THE OUTDOOR PLAY AREA MUST CONTAIN FIFTY SQUARE FEET OF SPACE PER CHILD, INCLUDING THE PROVIDER'S OWN CHILDREN.

THE INSIDE OF A GROUP DAY CARE HOME MUST PROVIDE THIRTY SQUARE FEET OF USABLE PLAY SPACE PER CHILD, INCLUDING THE PROVIDER'S OWN CHILDREN, NOT INCLUDING OFFICE SPACE, STORAGE SPACE, THE BATHROOMS, OR SPACE OCCUPIED BY BEDS.

VII Physical Facilities - General Requirements.

A GROUP DAY CARE HOME MAY NOT BE LOCATED IN A BUILDING USED FOR OTHER PURPOSES WHICH WOULD BE HAZARDOUS TO THE CHILDREN OR WOULD LIMIT OUTDOOR PLAY.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

VII Physical Facilities - General Requirements.

THERE MUST BE AT LEAST TWO EXITS IN ALL HOMES. IN GROUP DAY CARE HOMES, TWO OF THE OUTSIDE EXIT DOORS MUST OPEN OUTWARD.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

760

1520. FIRE

VII Physical Facilities - General Requirements.

GROUP DAY CARE HOMES MUST BE APPROVED BY THE DESIGNATED FIRE SAFETY AUTHORITY AND THE DEPARTMENT OF PUBLIC HEALTH. THE APPROVAL OF THE FIRE SAFETY INSPECTOR IS BASED ON THE CURRENT CODE. THE APPROVAL OF THE ENVIRONMENTAL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH IS BASED ON THE GUIDE FOR SUCH INSPECTIONS.

1530. BUILDING

Not specified

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

VII Physical Facilities - General Requirements.

ANY NEW GROUP DAY CARE HOME OR ONE THAT IS REMODELED, ENLARGED, OR CHANGED IN ANY WAY MUST HAVE STATE FIRE APPROVAL.

Except where otherwise noted all citations are from the Texas Department of Human Resources, Minimum Standards for Family Day Homes, February, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Handbook of Licensing Rules and Regulations §1630 Definitions of Day Care Facilities.

Family Day Home - A child care facility that provides care for not more than six children under 14 years of age for less than 24 hours a day not in the caretaker's own residence nor in the residence of one or more of the children.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

§1100 Organization.

The owner of the family day home service shall submit an application to the Texas Department of Human Resources on a form provided by the Department. The operator of an agency home shall submit the application to the child-placing agency on a form provided by the Department.

The caregiver, who may or may not be the owner, shall be named on the application form. The caregiver shall give the Department or child-placing agency the names, addresses, and telephone numbers of three adult references who are not related to the caregiver.

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

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225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

§1400 Records.

All records required to be maintained and on file by the standards shall be available for inspection by the Department during hours of operation.

§2100 Staff Qualifications and Responsibilities.

The caregiver is responsible for the home's day-to-day operation and for meeting these standards. Caregivers in agency homes are responsible for meeting all standards except those which are met by the child-placing agency.

When the caregiver is away from the home for a short period of time, someone at least 18 years old shall be responsible for children.

312. Telephone

§3200 Furnishings.

The day home shall have a telephone with a listed number.

313. Proof of Operator Financial Capabilities

§1400 Records.

The facility shall keep complete financial records. The Department will check these records only on written notice from the Department's Director of Licensing.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

§1200 General Administration.

Any employee or other person at the family day home shall be reassigned or removed from any contact with children if any of the following is returned.

An indictment alleging commission of a felony classified as an offense against the person or family or of public indecency or a violation of the Texas Controlled Substances Act.

An indictment alleging commission of a misdemeanor classified as an offense against the person or family or of public indecency.

An official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family or of public indecency.

Such reassignment or removal shall remain in effect pending resolution of the charges. Notification of such action shall be made to the Licensing Branch within 24 hours or the next working day.

§2100 Staff Qualifications and Responsibilities.

No one may serve as the caregiver of a family day home who has been convicted within the preceding 10 years of a felony classified as an offense against the person or family or of public indecency or a violation of the Texas Controlled Substances Act or of any misdemeanor classified as an offense against the person or family or of public indecency unless the Director of Licensing has ruled that proof of rehabilitation has been established.

No one who has been convicted within the preceding 10 years of a felony classified as an offense against the person or family or of public indecency or a violation of the Texas Controlled Substances Act, or of any misdemeanor classified as an offense against the person or family or of public indecency, may serve in any capacity where there is contact with children, unless the Director of Licensing has ruled that proof of rehabilitation has been established.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

§1300 Enrollment.

The family day home shall accept children for care without regard for race.

340. RECORDS REQUIREMENTS

341. Children

§1300 Enrollment.

An enrollment agreement shall be obtained for each child before admission and filed in the records of the family day home. The caregiver shall be responsible for ensuring that the terms of the agreement related to (the) items (above) are met.

The child care agreement signed by the parents and caregiver shall have the following information:

Child's name, birth date, home address, and telephone number.

Name and address of the parents and telephone numbers where the parents can be reached while a child is in care.

Statement that the child will be released only to the parents or person named by the parents and a statement that persons bringing the child or picking up the child will be sure that a staff member is aware of the child's arrival or departure. School age children who leave the center to go to classes or clubs shall have written permission from their parents. Parents shall specify the activity, time, and method of transportation.

Hours the child will be in care.

Emergency medical authorization and the name, address, and telephone number of the child's physician.

Transportation permission, if any.

Permission to participate in water activities, if any.

Notes of special problems or needs as indicated by the parents and a statement that the special problems or occurrences in the family day home affecting the child will be brought to the attention of the parents. This includes serious contagious diseases.

Statement that the parents may ask for a conference with the caregiver.

§1400 Records.

Records shall be kept of things that happen to a child that affect his or her growth. Such things as starting to walk or talk, a problem with hearing or seeing, or a change in eating habits shall be recorded.

A daily attendance record shall be kept in the home for the previous three months.

342. Staff

§2100 Staff Qualifications and Responsibilities.

The caregiver shall submit to the Department on an official Department form:

A record of training and experience,

Information as to convictions within the preceding 10 years of any felony or misdemeanor,

Information of pending criminal charges,

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A list of references with addresses and telephone numbers. The references shall be adults not related to the caregiver.

The caregiver is responsible for maintaining records for all employees who have contact with children including:

A statement from the employee providing information concerning whether there have been any convictions within the preceding 10 years of any felony or misdemeanor, and of any pending criminal charges.

Three references attesting to the employee's character and suitability for the job. References shall be unrelated to the employee. This does not apply to persons employed by the home on June 29, 1975. References shall include:

Name, address, and telephone number of each reference.

Written statements signed by the references or quotes from the references signed by the caregiver.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

§1200 General Administration.

The Department shall be notified of anything serious that happens to a child in the family day home, or if it appears that a child has been abused or neglected. Any fire shall be reported to the Department.

345. Confidentiality of Records Requirements

Not specified

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400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§2200 Staff-Child Ratio.

No more than six children under 14 years of age shall be in care in a family day home. This includes the caregiver's or staff member's own children who are under 14 years of age.

One caregiver may care for children according to these age combinations:

Infants under 18 mos. of age		Children 18 mos. to 14 yrs.
0	and	6
1	and	5
2	and	4
3	and	3
4	and	0

Two caregivers may keep six children 0-13 years of age.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

§2100 Staff Qualifications and Responsibilities.

Caregivers of the family day home shall be at least 18 years old and able to read and write.

512. Health

§2100 Staff Qualifications and Responsibilities.

Caregivers shall be mentally, physically, and emotionally able to handle responsibilities.

Staff shall have a record of a tuberculosis examination no earlier than 12 months prior to employment. Re-examination shall be required in accordance with the recommendations of local health authorities or the regional office of the Texas Department of Health.

Household members over 14 years old who are present when children are in care shall also obtain the above information.

Household members under 14 years old shall meet the same requirements as children in care.

513. Education

Not specified

514. Experience

Not specified

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520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

§2100 Staff Qualifications and Responsibilities.

Staff members who have contact with the children shall relate to children with courtesy, respect, acceptance, and patience.

§2200 Staff-Child Ratio.

Children shall be supervised at all times.

Children shall not be out of control.

§7100 Operation.

Activities shall be suited to the ages, interests, and abilities of the children. Activities shall be flexible and promote the physical, emotional, social, and mental growth of each child. They shall include:

After the noon meal, a supervised nap or rest period for preschool and kindergarten children, appropriate to the needs of the child. Cots, mats or beds shall be provided.

Indoor and outdoor periods for active and quiet activities and individual and group activities.

When trips are taken away from the home, the safety of the children shall be ensured.

§7500 Evening and Night Care

A caregiver shall stay awake until all children are asleep. Activities and routine shall meet the special needs of children in evening or night care.

612. Program Equipment and Materials

§3300 Equipment.

There shall be enough indoor and outdoor equipment for the number and ages of children in care to meet their physical and growth needs. There shall be enough equipment so that there is not excessive competition among the children or long waits for materials. There shall be available to the children materials for the following activities:

- Arts and crafts
- Building
- Reading and language
- Dramatic play, including dolls
- Large muscle (climbing, running, jumping)
- Manipulative (things done with the hands)
- Music

613. Nap Provision

§3200 Furnishings.

Each child shall have his or her own clean place to sleep or rest.

Preschool age children shall have cots, beds, or mats. Mats shall be at least one inch thick and covered with waterproof, washable material. If mats are used on floors, floors shall be clean, warm, and dry.

§7500 Evening and Night Care.

Children in evening or night care shall be given a bed or cot, a mattress or pad, and a pillow. Sleeping equipment shall suit the age and size of the child.

Pillows and mattresses shall have washable protective coverings.

Each child shall have his or her own clean linens and cover.

614. Discipline and Guidance

§7200 Discipline and Guidance.

Discipline and guidance shall show that the caregiver understands each child's needs and shall promote self-discipline and good behavior.

There shall be no cruel, harsh, or unusual punishment.

No child of any age shall ever be shaken or hit, and no child under five years old shall ever be spanked.

If the family day home caregiver believes that it is necessary to spank children who are past their fifth birthday, there shall be a statement on file at the home that it is the home's policy to use physical punishment. The statement of the rule which the home has adopted concerning the administration of physical punishment shall include that spanking can be done only with a caregiver's open hand on a child's buttocks. Each incident shall be documented in the child's records. The caregiver shall inform parents, in writing, of the policy and shall have a signed approval by parents.

Brief, supervised separation from the group may be used, but no child shall be placed in a locked room.

Children shall not be shamed or spoken to abusively or with profanity. Children shall not be denied food or put to bed as punishment, or punished for poor toilet habits.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

§2100 Staff Qualifications and Responsibilities.

Persons whose behavior or health status appears to endanger children shall not be allowed in the family day home.

712. Health Assessments

§5100 Health Requirements for Children.

Evidence is required that each child in care is physically able to participate in the program.

Evidence of the general state of each child's health shall be presented by his or her parents when the child is admitted to the home, or within one week.

One of the following is needed:

A written statement from a licensed physician that a child has been examined within the previous 12 months.

A copy of the medical screening form of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program if no referral for further diagnosis and treatment is shown.

A written statement or copy of a form from a health service or clinic including any of the following:

Head Start physical exam,
Well-child conferences (clinics),
Maternity and infant programs, or
Children and youth programs.

If parents cannot get the above, the parents shall submit a written statement that the child has been examined by a licensed physician and is able to participate in the program. This shall be followed within 12 months by a document as described above; or

If the parents cannot get the above within one week, a statement is required signed by the parents giving either: the name and address of a physician with whom an appointment has been made, or EPSDT screening site where the child will be examined, and following the examination a document as described above shall be submitted.

A signed statement from the parents that medical diagnosis and treatment are against their religion.

Annual evidence of an evaluation that a preschool age child is able to continue in the home shall be available.

Either a written or oral statement by the parents that the child is enrolled in an ongoing health care program with annual evaluation as described above. Any oral statement shall be documented, or

An annual statement from a licensed physician that the child may continue to participate in the program.

The child in the home shall be tested for tuberculosis in accordance with the recommendations of the Texas Department of Health. Recommendations can be obtained by contacting the local health authorities or the regional office of the Texas Department of Health.

713. Immunizations

§5100 Health Requirements for Children.

The family day home shall comply with laws, rules, and regulations regarding immunization of children. (Chapter 42, Human Resources Code, Sec. 42.043). Current immunization records shall be maintained for each child at the family

day home. Each child's immunization record shall include the birthdate, the immunization status, the number of doses, and the dates each immunization was received. A machine or handwritten copy of the immunization record is acceptable, handwritten copies shall bear the signature of the responsible staff member copying the information. Compliance with the standard shall be measured by the presence of one or more of the following for each child in care:

A written and dated record that the child has been immunized against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella. This record shall have a rubber stamp or signature of the physician or health personnel and shall specify the type, number of doses, and dates given as required by law.

A written and dated statement from a licensed physician or other authorized health personnel that immunizations against at least one of the above mentioned diseases have begun. The immunization cycle shall be completed as soon as is medically feasible. A current immunization record shall be on file at the family day home.

A certificate signed by a physician, duly registered and licensed under the Medical Practice Act, stating the physician's opinion that the required immunization would be injurious to the health and well-being of the child or a member of his or her family or household.

An affidavit signed by the parent or managing conservator of the child stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the child or parent is an adherent or member.

A written and dated statement for a child enrolled in after school care signed by the parents or managing conservator stating that the child's immunization record is on file at the school the child attends and that all immunizations are current. The name of the school shall be included on the statement.

714. Sanitation

§4200 Sanitation.

The family day home's building, grounds, and equipment shall be clean, kept in good repair, and maintained as needed to protect the health of the children.

The family day home shall have an adequate supply of water that meets the standards for drinking water of the Texas Department of Health. Whenever possible, the water supply shall be from a public drinking water system. Water shall always be available to the children.

Garbage shall be kept in cans with tight lids and out of areas used by children. Trash shall be removed once a week.

Steps shall be taken to keep the home free of insects and rodents.

Caregivers and children shall wash their hands after using the toilet and before eating. Anyone caring for children shall wash their hands before and after changing a diaper and before feeding a child.

§5500 Animals.

Animals on the premises shall be vaccinated according to the recommendations of a licensed veterinarian. Documentation of vaccinations shall be at the home.

The house and yard shall be kept free of stray animals.

§7500 Evening and Night Care.

Children staying the night shall have the opportunity to bathe. When bath tubs or showers are used preschool children shall be closely watched. Privacy shall be ensured for school age children. Fresh water shall be given each child, and tubs or showers cleaned after each use. Children shall be given fresh washcloths and towels.

715. Daily Illness Screening

§5200 Illness and Injury.

The child who is apparently ill shall not enter the family day home without medical approval.

716. Care of Sick Children

§5200 Illness and Injury.

Illness in the family day home shall be handled to protect all children in care.

When ill, a child shall have a bed, cot, or mat away from the other children, and the child's parents shall be called immediately. The child shall be closely watched until he or she leaves.

The child shall be given first aid if needed. In case of critical illness or injury and if the parents cannot be reached the physician shall be called. If necessary, the child shall be taken to the nearest emergency room.

When a child recovers from a communicable disease, recommendations of the Texas Department of Health shall be followed before the child is allowed to return to the home.

717. Medication and Special Diet Provisions

§5300 Medications.

Medicines shall be given a child only as follows:

Prescription medicine shall be in the original container and labeled with the child's name, a recent date, directions, and the physician's name.

Medication shall not be administered after any stated expiration date.

All nonprescription medicine, except aspirin or aspirin substitute, shall be labeled with the child's name and dated. All nonprescription medicine, including aspirin or aspirin substitute, shall be given to the child only with written permission of health personnel or the child's parents, and in accord with label instructions.

Medicine shall be kept out of the reach of children or in a locked container.

Medicine needing refrigeration shall be kept separate from food.

Medicine shall be returned to the parents when no longer needed. Medication left at the family day home when a child withdraws from care or when the medicine is out of date shall be disposed of properly.

718. Waiver of Health Requirements

See 712. Health Assessment and 713. Immunizations

720. SAFETY

721. General Safety Requirements

§4300 Safety.

Building, grounds, equipment, and supplies shall be of safe construction and in good repair for the children.

Electrical outlets accessible to children shall have child-proof covers or safety outlets.

Electric fans and heaters shall be out of children's reach or have guards to prevent children from being injured.

Window air conditioners shall be built so children cannot touch working parts. Where the 220 volt window unit connections are in reach of a child, a screen or guard shall protect the connections.

Stairs and porches over two feet off the ground shall have railings the children can reach.

Large outdoor equipment shall be located away from busy areas in the play yard and anchored in the ground unless portable by design.

The yard shall be dry and free from sharp objects. Tanks, ponds, open wells, drainage ditches, sewage drain pipes, and dangerous machinery shall be fenced to keep children from getting to them. Trash cans are permitted.

Toys that use anything that explodes (such as caps) or that shoot things (such as darts or BB's) shall not be allowed.

Furnishings, equipment, and toys shall have no lead painted surfaces or contain poisonous materials. Anything poisonous indoors or outdoors shall be kept away from the children's reach.

722. Fire Safety Requirements

34100 Fire.

In case of fire, no matter how small, the first responsibility of the caregiver shall be to get the children to a safe place.

Fire drills shall be held at least once every three months at different times of the day.

The structure and use of the home shall let the children out quickly and safely in case of emergencies.

Doors and pathways shall be clear of equipment that blocks the movement of children and staff.

Heating devices and their nearby areas shall not be fire hazards.

Gas appliances shall have metal tubing and connections unless otherwise approved by the fire marshal.

Open flame space heaters shall not be used. All space heaters shall be enclosed and have the seal of approval of a test laboratory that is approved by the fire marshal. Floor furnaces shall be enclosed to keep the children off them.

Space heaters shall be vented to the outside.

Anything that burns shall be kept away from light bulbs and other heat sources.

723. Transportation

§7700 Transportation.

When a family day home provides transportation, children shall be seated safely when the vehicle is in motion.

Children shall enter and leave a vehicle at the curb side or a protected parking area or driveway.

Vehicles regularly used to transport children shall have a first aid kit.

Children shall not ride in the back of open trucks.

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

\$7600 Water Activities.

When a splashing pool or a wading pool (less than two feet of water) is in use, the following applies:

The pool shall be drained and cleaned after each use and kept as required by local regulations and standards of the Texas Department of Health for such pools.

When such pools are not in use, they shall be out of children's reach.

Someone with a knowledge of water safety shall supervise at all times. When children under four are in the water, there shall be at least two persons supervising.

When a swimming pool (more than two feet of water) is in use, the following applies:

A pool at the family day home shall be enclosed by a fence at least six feet high and built so children cannot easily climb over it. The gate shall be locked when the pool is not in use. Machinery rooms near all pools shall be locked.

All pools shall be maintained according to the standards of the Texas Department of Health and local regulations.

Enough lifesaving equipment shall be on hand to cover the area and number of children swimming.

A certified lifeguard shall be on duty at all times and cannot be counted in the staff-child ratio.

726. Emergency Procedures

§1200 General Administration.

The Department shall be notified of anything serious that happens to a child in the family day home, or if it appears that a child has been abused or neglected. Any fire shall be reported to the Department.

§5400 Emergency Phone Numbers.

The following numbers shall be posted by a telephone that is quickly available to the caregiver:

Ambulance service or emergency medical service (EMS).

Police or sheriff's department.

Fire department.

The following telephone numbers shall be in a place accessible to the telephone.

Physician named by the parents.

Home and business numbers of the parents.

727. First Aid Supplies

§5200 Illness and Injury.

First aid supplies shall be in a handy place out of children's reach and a guide to first aid and emergency care posted.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§6200 Nutrition.

Food in the family day home shall be nutritious and in variety and amounts adequate to ensure the nutritional well-being of the children.

Regular meals and nutritious mid-morning and mid-afternoon snacks shall be served to all children present.

If food brought in by a child does not meet the nutritional requirements, the family day home shall provide the additional necessary nutritional requirements.

Any special diet shall be approved in writing by a physician.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

§6100 Food Service.

All food and drink shall be safe and shall be stored, prepared, distributed, or served under sanitary conditions.

Cleaning supplies shall be clearly marked and kept separate from food.

Paper napkins, bibs, dishes, and utensils shall be thrown away after use. Washable napkins and bibs shall be washed after each use.

Children of any age shall be encouraged, but not forced to eat. If a child eats too little or too much the problem shall be discussed with the parents.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

§1200 General Administration.

The license shall be available at the family day home.

A complete set of "Minimum Standards for Family Day Homes" shall be available to parents, staff, and others upon request for review.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

§7300 Infant and Toddler Care.

Children under 18 months of age shall be kept in a safe place that helps their physical, mental, emotional, and social growth.

Infants shall have supervisors except when asleep. Infants shall not be left alone indoors or out.

Infants who cannot climb shall have cribs.

Infants shall be talked to, held, and played with by the caregiver.

Each infant shall be given some opportunity during the day both morning and afternoon to explore the area outside the crib or baby bed to learn on his or her own.

An infant, while awake, may remain in the crib as long as he or she is content, but no longer than one hour.

1120. HEALTH AND SAFETY REQUIREMENTS

§7300 Infant and Toddler Care.

A child's soiled or wet diapers or other clothing shall be changed promptly and in a sanitary and safe manner.

The child shall be placed on a clean washable surface or a surface with a clean disposable covering.

Individual washcloths, towels, or disposable towelettes shall be used to clean and dry the child.

Soiled or wet cloth diapers shall be promptly rinsed in the toilet and all used diapers put in a plastic bag or covered container that is cleaned daily.

1130. INFANT NUTRITION

§7300 Infant and Toddler Care.

All infant or toddler feeding bottles shall be clearly marked with the child's name.

Infants who are not ready for table food shall be fed a formula or diet approved by his or her physician or parents.

Infants under six months of age shall be held while being bottle fed. Infants six months of age or older shall be held if needed. Bottles shall not be propped at any time.

Infants no longer held for feeding shall be fed in a manner which ensures their safety and comfort. When an infant wants to feed himself or herself, the infant shall be encouraged to do so.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

§7400 Children Needing Special Care.

Children who need special care due to disabling or limiting conditions shall be given care recommended by qualified psychologists, physicians, or other experts. Care recommendations and documentation that they were carried out shall be in the child's record.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

§3100 Space.

There shall be at least 30 square feet of indoor space for each child in the home, measured wall-to-wall from the inside of areas used for activity, and not including areas the children use for one type of activity.

The family day home shall have a fenced outdoor play area or use nearby parks or playgrounds, within one-quarter mile of the home.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§4200 Sanitation.

There shall be adequate light, ventilation, and heating in the home.

1430. EXITS

§4100 Fire.

The structure and use of the home shall let the children out quickly and safely in case of emergencies.

A family day home more than one story high shall have inside and outside staircases leading to all floors. Exceptions shall be made only if approved by a fire official. If there are no outside stairs and the fire official's approval cannot be obtained, then children shall be kept on the first floor.

A family day home shall have at least two doors to the outside located on different sides of the home.

Doors opening into a fenced yard shall be fixed so the children can open them easily from the inside. Doors between rooms shall not be locked while children are in the home.

1440. TOILETS AND LAVATORIES

§3400 Toilet Arrangements.

Bathroom and toilet equipment shall be adequate to handle children's needs quickly and safely.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

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1520. FIRE

\$4100 Fire.

A family day home shall have a fire inspection with a written report each year. Any corrections called for in the report shall be made. Fire inspections shall be requested from local fire department officials where available and if no inspections are available, the caregiver shall comply with the fire check list provided by the Department.

\$7500 Evening and Night Care

When a family day home offers evening or night care, the home shall meet any applicable fire and safety requirements for this type of care.

1530. BUILDING

Not specified

1540. HEALTH

See 1550. Sanitation

1550. SANITATION

\$4200 Sanitation.

A family day home shall have a sanitation inspection every year with a written report. Any needed corrections called for in the report shall be made. Inspections shall be requested from local authorities where available and if no inspections are available, the caregiver shall comply with the sanitation check list provided by the Department.

1560. NEW CONSTRUCTION

Not specified

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Except where otherwise noted, all citations are from the Texas Department of Human Resources, Minimum Standards for Registered Family Homes, February, 1980.

100. STATE REGISTRATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO REGISTRATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Handbook of Licensing Rules and Regulations §1630 Definitions of Day Care Facilities.

Registered Family Home - A child care facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed 12 at any given time.

Regular Care - A child care arrangement where care is ongoing or expected to be ongoing. For registration, care provided or expected to be provided for less than five consecutive weeks is not considered to be regular care and the facility is not subject to registration.

After School Hours - For registration, after school hours include school holidays, summer vacations, and periods during which the school is in operation but students are not expected to attend, such as teacher work days.

112. Exclusions and Exemptions

Handbook of Licensing Rules and Regulations §2500 Regulation of Registered Family Homes.

A facility providing care for six or fewer children unrelated to the caregiver in the caregiver's own residence for part of the day will not be registered if care is provided or expected to be provided for less than five consecutive weeks.

Handbook of Licensing Rules and Regulations §1500 Exemptions from Licensing.

Human Resources Code, Section 42.041(b) lists the types of child care facilities or arrangements that are exempt from licensing. The exemptions are:

A registered family home. Registration is a regulatory procedure different from licensing.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR REGISTRATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. REGISTRATION PROCESS AND ENFORCEMENT PROCEDURES

210. REGISTRATION PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. REGISTRATION PROCEDURE

221. Application and Issuance

Handbook of Licensing Rules and Regulations §2500 Regulation of Registered Family Homes.

When the Registration Request is received, staff evaluate the form to determine that it is complete and shows compliance with the Minimum Standards for Registered Family Homes.

If the form is not complete or shows noncompliance with standards, staff attempt to correct the matter by telephone. If changes on the form are necessary, the form must be returned to the caregiver for completion or correction.

If the matter cannot be corrected and children are not in care, staff offer the opportunity to withdraw the requests. If children are in care or the person chooses not to withdraw the request, see Item 2552, Noncompliance With Standards and subsections.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. Registration Renewal

Handbook of Licensing Rules and Regulations §2542 Re-Registration.

A family day care home registration is valid for two years from the date the Notification of Registration is issued unless revoked.

At least two months prior to the expiration of a current registration, the registered family home caregiver is sent a renewal notice letter with a Registration Request.

If there is no response within 30 days, the caregiver is sent a renewal reminder letter. If the caregiver does not respond prior to the expiration of the current registration, the registration expires. A contact is made to determine if the children are in care.

When a new completed Registration Request, reflecting compliance with standards is received, a Notification of Registration is sent to the caregiver.

225. Conditional/Provisional Registration

Not specified

226. Substantial Compliance

Handbook of Licensing Rules and Regulations §2500 Regulation of Registered Family Homes.

Human Resources Code, Section 42.042(j) states: "The department may waive compliance with a minimum standard in a specific instance if it determines that the economic impact of compliance is sufficiently great to make compliance impractical." Section 42.049(c) states: "The division may grant a variance of an individual standard set forth in the applicable standards for good and just cause."

§2571.2 RFH - Requesting the Waiver/Variance.

The person operating a registered family home or a facility for which registration has been requested must explore all reasonable alternatives which would permit meeting the standard as stated, before requesting a waiver/variance. Waiver/variance requests may be initiated at any time after the facility comes under regulation. When applicable, the requestor is advised that until the waiver/variance is approved by the Director of Licensing, the

facility is not in compliance with the standards. In the case of a waiver request, the requestor must provide information which clearly reflects that compliance is economically impractical.

The caregiver or his/her duly authorized representative initiates the waiver/variance request on a Department form and submits it to the staff person responsible for working with the registered family home. Staff may assist the caregiver in completing the form or in some cases staff may complete the form on behalf of the caregiver, but the request is signed by the caregiver or his/her duly authorized representative.

\$2571.3 RFH - Waiver/Variance Time Limits.

Waivers/variances for a registered family home automatically expire when the registration expires or is revoked. The Director of Licensing may grant waivers/variances for a period of time less than the duration of a registration.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Handbook of Licensing Rules and Regulations §2500 Regulation of Registered Family Homes

Staff do not make routine visits to registered family home caregivers. A request from a caregiver for assistance in meeting or maintaining standards, a receipt of a complaint, or reason to believe that a threat of serious violation of minimum standards has or is occurring, authorizes contact from staff.

232. Denial, Suspension, Revocation of Registration

Handbook of Licensing Rules and Regulations §2500 Regulation of Registered Family Homes.

Denials and revocations of registrations are initiated by licensing staff in accordance with Items 2160, Denial of an Application or Suspension or Revocation of a License, Certificate or Registration and 2169. Revocation/Denial Without a Standard-by-Standard and subsections.

Handbook of Licensing Rules and Regulations §2561 Cessation of Operation.

When attempts to contact a caregiver by telephone (or in person) have been unsuccessful and after several such attempts have been made, registration staff send a letter to the caregiver stating that previous attempts to contact the caregiver have been unsuccessful, and informing the caregiver that if no response is received within two weeks of the date the letter is mailed, the registration will be revoked automatically due to assumed cessation of operation.

The regional administrator sends the letter to the registered family home, "Certified Mail, Return Receipt Requested." The letter contains, but is not limited to, the following:

A statement that the purpose of the letter is to notify the caregiver that if the caregiver has not contacted the licensing staff within two weeks registration will be revoked based on assumed cessation of operation with no immediate plans to re-open. The letter includes the dates of attempted contacts with the registered family home, the effective date of revocation.

A statement that the Notification of Registration is to be returned.

A statement, when appropriate that if the person decides to resume child care in the future, a registration or license must be obtained from the Department before providing child care; otherwise, the caregiver would be in violation of the child care licensing law.

A statement that if licensing staff have made an error in the finding of cessation of the operation, licensing staff should be notified by phone or letter upon receipt of the letter (provide the phone number of the regional director) and this letter will be rescinded.

Extending the right to appeal is not appropriate when a registration is revoked under this section, since notification to staff that operations have in fact not ceased provides a basis for rescinding the revocation.

The registration is also revoked under this section when a registered family home ceases to provide care due to the physical destruction of the home. This procedure is not required when a Registered Family Home fails to re-register and the previous registration has expired.

Handbook of Licensing Rules and Regulations §2561.3 Change of Address.
Human Resources Code, Section 42.049(e) states: "A change in location or ownership automatically revokes a license." A change in ownership or location will also automatically revoke a registration and formal revocation procedures are not necessary in these instances.

When registration staff learn that a caregiver has moved, a letter is sent notifying the caregiver that the registration is revoked and that if child care is to be provided at the new address, a new registration is necessary. Registration at the new address is handled as an inquiry.

Handbook of Licensing Rules and Regulations §2562 Misrepresentation of Registration Request.

Knowingly and willfully providing false information on a Registration Request is grounds for immediate revocation of the registration without opportunity to make corrections. Staff, upon discovery of the misrepresentation, will evaluate the seriousness of the situation and inform the caregiver that the misrepresentation will be evaluated for immediate revocation of the registration.

If a decision is made to deny or revoke the registration and with the concurrence of the regional attorney in legal aspects of a decision and of the letter described herein, and after informing the program management specialist a letter containing the following is prepared.

Purpose of the letter: notification of decision to revoke or deny the registration, to be final 30 days after receipt of the letter.

Legal basis for action: Human Resources Code, Section 42.072(a) and Section 42.052(d).

Description of the misrepresentation on the registration request.

Right to request appeal of the decision within 30 days after receipt of the letter; that a request for an appeal must be in writing, addressed to the Director of Licensing, Texas Department of Human Resources, P. O. Box 2960, Austin, Texas 78769; that the letter requesting an appeal must state the reasons against revocation or denial; and that a copy of such request must be sent to the staff person whose name and address are in the letter.

Statement that if no appeal is requested, revocation is final 30 days after receipt of the letter and the notification of registration must be returned within five days thereafter.

A copy of Section 4000, Licensing Appeals, is enclosed with the letter. The letter is reviewed by the program management specialist and within 10 working days following the determination of misrepresentation it is signed by the regional administrator and is sent to the caregiver "Certified Mail, Return Receipt Requested." Copies of this letter are sent to the program management specialist, the Director of Day Care Licensing, and the State Office Legal Division.

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233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Not specified

312. Telephone

\$4300 Telephone Numbers.

The registered family home must have a working telephone. Telephone numbers for ambulances, police or sheriff's department, and fire department must be near the phone.

Telephone numbers where parents can be reached must be near the phone in case of an emergency.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

§2000 The Caregiver And Family.

No one who has been convicted within the preceding 10 years of a felony classified as an offense against the person or the family, or of public indecency or a violation of the Texas Controlled Substances Act or of a misdemeanor classified as an offense against the person or the family, or of public indecency, may serve as a caregiver or be present when children are in care in a registered family home, unless the Director of Licensing has ruled that proof of rehabilitation is established.

If an indictment or an official criminal complaint accepted by a county or district attorney is brought against a person present in a registered family home alleging commission of a felony classified as an offense against the person or the family, or of public indecency, or a violation of the Texas Controlled Substances Act or of a misdemeanor classified as an offense against the person or the family or of public indecency, that person must not be allowed to have any contact with children in care until the charges are resolved. The caregiver must notify the licensing office of such charges within 24 hours or on the next working day.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

§1300 Taking Children for Care.

Racial Discrimination - The registered family home may not refuse care to a child because of race.

801

340. RECORDS REQUIREMENTS

341. Children

§1300 Taking Children for Care.

Parents' Booklet - Before accepting a child for care, the caregiver must give parents a copy of the booklet for parents provided by the Texas Department of Human Resources.

Emergency Medical Care Form - Before accepting a child for care, the caregiver must have parents complete and sign an emergency medical care form for their children. This form must be kept on file in the registered family home.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

§4200 Child Abuse or Neglect.

Children must not be abused or neglected while in care in the registered family home. If a child comes to the registered family home looking abused or neglected, the caregiver must call the Department or the police immediately. This is required by State law.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§1000 The Children In Care.

The Number of Qualified Caregivers in the Home

When the home meets the definition of a registered family home, the caregiver must be sure that enough qualified staff is present to care for the children. The caregiver's own children must be counted when figuring how many caregivers are needed.

Ages of the Children in Care

When One Caregiver is Present:

If no infants are in care, then no more than 12 children age 18 months and older may be cared for, so long as no more than six children are less than five years of age.

If one infant is in care, then no more than nine children age 18 months and older may be cared for, so long as no more than five children are between 18 months and five years of age.

If two infants are in care, then no more than six children age 18 months and older may be cared for, so long as no more than four children are between 18 months and five years of age.

If three infants are in care, then no more than four children age 18 months and older may be cared for, so long as no more than three children are between 18 months and five years of age.

If four infants are in care, then no more than two children age 18 months and older may be cared for.

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Infants are children age 0 to 18 months. A registered family home may not care for more than four infants when only one caregiver is in the home. This includes the caregiver's own children.

When More Than One Caregiver is Present:

Care may be given to 12 children of any age so long as the home meets the legal definition of a registered family home. There may never be more than 12 children in care, including the caregiver's own children.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

§2100 Caregiver Qualifications.

The caregiver must be at least 18 years old and able to care for children.

512. Health

See 511. Age and 711. General Health Requirements

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513. Education

See 511. Age

514. Experience

See 511. Age

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 511. Age and 711. General Health Requirements

523. Education

See 511. Age

524. Experience

See 511. Age

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

805

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

§1200 Length of Care.

No child may be in registered family home care for more than 24 consecutive hours.

§4100 Supervision and Health.

Children must be supervised at all times by an adult who is able to take care of them. Children must not be out of control.

§4400 Activities.

Quiet and active play must be planned for the children and sufficient toys and equipment must be available.

If the weather is good, the children must be allowed to play outdoors daily. Infants must be allowed activities outside their cribs. The caregiver must get signed permission from the parent for trips or activities away from the registered family home. Signed permission from parents is required before the caregiver may allow anyone other than the parents to take a child away from the registered family home.

612. Program Equipment and Materials

Not specified

613. Nap Provision

Not specified

614. Discipline and Guidance

§4500 Discipline.

Children in care must not be punished cruelly, harshly, or in an unusual way. No child of any age can ever be shaken or hit. No child under five years old can ever be spanked. The caregiver can only spank a child five years old or older if the child's parents give the caregiver their written and signed permission. The caregiver can only use his or her open hand to spank, and the spanking can only be done on the child's buttocks.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

§2200 Persons in the Home.

When children are present, persons whose behavior or health status endangers the health, safety, and well-being of the children must not be allowed in the registered family home. Family members, visitors, parents or other persons with symptoms of contagious disease, a physical or mental condition that would be harmful to the children, or who appear to be intoxicated must not be allowed in the home while children are present.

§2300 TB Examination.

Everyone over 14 years old who is in the registered family home when children are in care must have a record of tuberculosis examination.

This examination must have been made no earlier than 12 months before the date the home first became registered with the Department. Further examinations are required according to the recommendation of the Texas Department of Health for the area in which the registered family home is located. For recommendations, call the local health authorities or the regional office of the Texas Department of Health. A copy of the examination records must be kept on file in the registered family home.

712. Health Assessments

§1400 Children's Health Records.

Before accepting a child for care, the caregiver must get a record from the parents that the child has had a tuberculosis examination, if this is recommended by the Texas Department of Health for the area in which the registered family home is located.

Further examinations are required according to the recommendations of the Texas Department of Health. For recommendations, call the local health authorities or the regional office of the Texas Department of Health.

These records must be kept on file in the registered family home. The caregiver's own children under 14 years of age must meet the same requirements and their records must also be on file in the registered family home.

713. Immunizations

§1400 Children's Health Records.

The registered family home must comply with laws, rules, and regulations regarding immunization of children. Current immunization records must be kept for each child at the registered family home, including the caregiver's own children if they are living in the family home. Each child's record must include the child's birthdate, the type of immunization, the number of doses, and the date each immunization was given. A machine or handwritten copy of the record is acceptable. When the caregiver copies the record by hand, it must also be signed by the caregiver. The record may be any one of the following:

A dated statement signed or stamped by a physician or health clinic that the child has been immunized against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella, showing the type of vaccine, the number of doses, and the dates the immunizations were given.

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A dated statement signed or stamped by a physician or health clinic stating that immunization against at least one of the diseases mentioned above has begun, and that all immunizations will be completed as soon as possible. A current updated immunization record must be on file in the home.

714. Sanitation

Fire Prevention, Sanitation, and Safety Requirements For Registered Family Homes.

The home and grounds must be kept clean.

The kitchen and all food preparation, storage, and serving areas and utensils must be kept clean.

Perishable food must be refrigerated or safely stored in other ways.

The home must either use a public water supply or a private well that is approved by local health authorities or the Texas Department of Health.

The home must either use a public sewage disposal system or a private system that is approved by local health authorities or the Texas Department of Health.

Plumbing must be kept in good working condition.

The home must have hot and cold running water.

There must be at least one toilet, lavatory, and bathtub or shower inside the home.

Bathrooms must be kept clean.

Soap and toilet paper must be available at all times.

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Each child must have a clean towel available, or paper towels must be available.

Garbage must be removed at least once a week.

Garbage must be kept in metal or plastic containers with tight fitting lids in an area away from the children.

The home must be kept free of insects, mice, and rats.

The yard must be well drained, with no standing water. The yard must be kept free of garbage and trash.

The house must be adequately ventilated and free from bad odors.

Windows and outside doors that are kept open must be screened.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

\$4100 Supervision and Health.

If a child gets sick, he or she must be separated from the other children and the sick child's parents notified immediately. If the illness is serious, the physician named on the emergency medical care form must be notified or the child must be taken to the hospital or clinic named on the form.

717. Medication and Special Diet Provisions

\$4100 Supervision and Health.

Medicines can be given to a child in care only if a physician or the child's parents have given written permission to do so.

718. Waiver of Health Requirements

§1400 Children's Health Records.

A statement signed by a physician that the immunizations would harm the health and well being of the child or a member of the child's family or household.

A written statement signed by the child's parent that immunization is against the family's religion.

For children enrolled in school, a statement signed and dated by the parent that the child's immunization record is on file at the school and that all immunizations are current. The name of the school must be included on the statement.

720. SAFETY

721. General Safety Requirements

§3100 Fire, Sanitation, and Safety.

The registered family home must meet the requirements in Fire Prevention, Sanitation, and Safety.

§3300 General.

The caregiver must keep a safe and healthy home. Indoor and outdoor toys, equipment, and supplies must be safe for the children.

Fire Prevention, Sanitation, and Safety Requirements for Registered Family Homes.

The home and the outdoor play area must be kept free of hazards to children.

Cleaning supplies, bug sprays, medicines, and other materials that would harm children must be kept where children cannot reach them.

Electric outlets in rooms used by children must be safety outlets or have child-proof covers.

Electric fans must be securely mounted where children cannot reach them, or have guards which keep children from touching the fan blades.

Outdoor steps must not have a slippery surface. Porches, railings, playhouses, and other wooden structures must not have splinters.

Indoor floors and steps must not be slippery, and must be dry when children are using them. Wood surfaces and objects must not have splinters.

Glass doors must be marked at a child's eye level to prevent accidents.

722. Fire Safety Requirements

Fire Prevention, Sanitation, and Safety Requirements for Registered Family Homes.

In case of danger from fire, the first responsibility of the caregiver is to get the children to safety.

There must be a 2 3/4 pound dry chemical fire extinguisher in good working condition available for use in the kitchen.

When children are in care, there must always be an adult present who is familiar with the operating instructions for the fire extinguisher.

The fire extinguisher must be serviced after each use and checked for proper weight at least once a year.

There must be at least two unblocked exits to the outside of the home. A window may be counted as an exit if children can get through it to the outside of the house quickly and safely.

The electrical wiring system must be in good repair.

Fuses or circuit breakers in the fuse box must be in good operating condition.

Cords for electrical appliances and lighting fixtures must be in good working condition.

Extension cords must not be overloaded. They may not be run under rugs or hooked over nails.

Central heating units must be inspected by a qualified technician as often as recommended by the manufacturer.

Wood burning or gas log fireplaces and open flame heaters must be protected with a spark screen or guard.

Space heaters designed to be vented must be vented properly to the outside.

All gas appliances (heaters, water heaters, stoves) must have metal tubing and pipe connections.

If trash is burned, it must be in an area away from the children.

Lighters and matches must be kept where children cannot reach them.

Flammable liquids must be stored in safety cans and kept where children cannot reach them.

The home and yard, particularly attics, basements, garages, and storage sheds, must be kept free of rubbish.

Rags, paper, and other flammable materials must be kept away from heat.

723. Transportation

Not specified

724. Safety Requirements for Equipment

§4600 Toys.

Toys that use anything that explodes (such as caps) or that shoot things (such as darts or BB's) are not allowed. Toys must have no poisonous materials (such as lead paints or poisonous gases).

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

§2400 Accidents.

The caregiver must have available a copy of the first aid and emergency care guide provided by the Department to use in case of an accident.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§3200 Nutrition.

The registered family home must see that children in care are given nutritious meals and snacks in amounts adequate to meet the needs of each child.

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812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

§1300 Taking Children for Care.

Parents' Booklet - Before accepting a child for care, the caregiver must give parents a copy of the booklet for parents provided by the Texas Department of Human Resources.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

815

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Not specified

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Utah Department of Social Services, Family Day Care Standards, July, 1978.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

III. Definitions

Child Care Center: A child care center is a facility in which children are being cared for out of their own homes by persons other than their own parents. It is maintained for at least four and less than twenty-four hours daily for the care of seven or more children less than 14 years of age and unrelated to the caregiver. This care may be given with or without charge and with or without stated educational or developmental purposes.

Drop-in: A child who is not in regular attendance at least one day per week who does not have a current medical and day care register on file. Each "drop-in" child shall count in the total number the facility is licensed to serve.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

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232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

IIK100 General Requirements.

The Division shall be notified of anything requiring medical attention that happens to a child while in family day care.

The provider shall release children to or allow visits from only those persons who have been authorized in advance with written permission from a parent. The term parent refers to the child's natural parent, guardian, or other legally responsible person or organization.

DFS staff may issue a provider a license with special conditions or limitations such as limiting the number of children to less than six, depending upon the home, yard, equipment, neighborhood, amount of space, or other resources or conditions which affect children.

IHK250 Substitute Providers.

The provider shall make arrangements for a responsible substitute provider.
The provider shall not leave the premises unless the substitute is present.

The substitute provider shall meet the provider requirements listed in Section IHK201 and be familiar with the licensing standards, rules, and procedures of the day care home.

312. Telephone

IHK800 General.

Family day care providers shall have a telephone or other means of obtaining emergency service.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

IHK100 General Requirements.

When children are in care, no one can be in the home who has been convicted of a crime of immoral conduct or convicted of the violation of a criminal statute that protects children.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

IIK100 General Requirements.

The provider shall not exclude people from service or treat them in a discriminatory way on the basis of race, color, national origin, sex, or religion.

340. RECORDS REQUIREMENTS341. Children

IIK150 Records.

Written information shall be maintained in the home and updated on each child including:

The child's full name, birth date, current address, and date of enrollment.

Parents' name, address, and telephone number.

Telephone number and/or instructions as to how the parent may be reached during the hours the child is in the day care home.

Names, addresses, and telephone numbers of persons who can assume responsibility for the child in an emergency.

A form signed by the parent listing names, addresses, and telephone numbers of persons other than a parent to whom the child may be released.

Names and addresses of the child's doctor and dentist or a signed statement saying that the child does not have a doctor or dentist.

Current health information including a copy of the report of the child's physical examination, immunization record, and any special information on the child's physical condition or problems such as allergies.

Written permission from the parent for emergency medical care.

Written permission from the parent to transport the child and/or take the child on field trips.

A record of daily attendance.

342. Staff

IIK100 General Requirements.

The provider and persons living in the home must provide information indicating they are free of physical or mental illnesses that would be harmful to children. If there is an indication of a problem, an examination by a licensed medical doctor, psychologist, or social worker shall be required.

IIK200 Provider Abilities and Training.

The provider shall be mentally, physically, and emotionally able to provide quality care to children. If the provider's well being is in question, they shall be required to have an examination by an appropriate, licensed professional medical doctor, psychologist, or social worker.

Before receiving a license, and annually thereafter, the provider shall submit a dated report of a satisfactory tuberculosis test or chest X-Ray taken within twelve (12) months of licensing.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

IIK100 General Requirements.

Suspected child abuse or neglect shall be reported immediately to DFS or the local police or sheriff's office.

345. Confidentiality of Records Requirements

IIK150 Records.

Any information concerning parents or children shall be confidential in accordance with Division policy.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

IIK270 Staff to Child Ratio.

The provider shall care for no more than six children including the provider's own children, under the age of six. The provider shall care for no more than two children under the age of twenty-four (24) months.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

IIK200 Provider Abilities and Training.

Each provider shall be at least eighteen years of age.

512. HealthSee 342. Staff513. Education

Not specified

514. Experience

IIK200 Provider Abilities and Training.

Each provider shall be able to read and write well enough to handle emergencies, meet standards and maintain records.

520. PROGRAM DIRECTOR QUALIFICATIONS521. AgeSee 511. Age522. HealthSee 342. Staff523. Education

Not specified

524. ExperienceSee 514. Education

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530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

IHK200 Provider Abilities and Training.

The provider shall meet all DFS district requirements for training and shall be encouraged to complete a minimum of 12 hours of inservice training annually.

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

IHK420 Daily Activities.

In a family care home, the daily activities of the children shall be planned in accordance with the child's age and special needs to promote physical, emotional, social and intellectual development. The provider shall plan daily activities in such a way that the child experiences family living, including participating in household routines, playing both indoors and outdoors, engaging in activities and using community resources.

The provider shall provide children a balance of quiet and active experiences, as well as small group and individual activities.

Children shall be allowed to play outdoors daily when the weather allows.

612. Program Equipment and Materials

IIC420 Daily Activities.

The provider shall provide a variety of activities, games, toys, books, art materials, crafts and other materials to enhance the child's development.

613. Nap Provision

IIC420 Daily Activities.

A clean cot, or two inch mat or bed with clean individual covers shall be provided for each child remaining in the home over four hours.

When children are cared for during night time hours, they shall be bathed and changed into clean comfortable sleepwear.

614. Discipline and Guidance

IIC400 Supervision and Discipline.

The provider shall provide adequate supervision at all times to insure the health and safety of each child.

The provider shall not use any form of physical punishment, such as shaking, spanking, or hitting. The child shall not be disciplined through the use of food or rest.

The provider shall not use emotional abuse with children such as name-calling, shaming, embarrassing, or threatening.

Infants and children shall not be confined in cribs, playpens, jump chairs, walkers, etc., for inappropriate periods of time.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

IIK720 Illness.

If a child's health is in question, the provider may require a physical examination.

713. Immunizations

IIK730 Immunization.

No child shall be admitted for care that has not had the age appropriate immunizations required by state law. By eighteen (18) months of age a child shall have had 4 DTP shots, 3 doses of polio vaccine and measles-rubella and mumps immunization.

714. Sanitation

IIK600 Home.

Home and outdoor areas used for day care shall be clean, provide adequate space for daily activities of young children, and present no hazards to their health or safety.

IIK740 Cleanliness.

The provider shall insure that children wash their hands before meals and after toileting.

The provider shall maintain standards of personal cleanliness including washing hands after toileting, before preparing food, before feeding infants, and before and after diapering infants.

The provider shall provide either individual disposable towels or clean individual towels for each child.

Children shall be encouraged to brush their teeth and shall have a toothbrush which shall be maintained in a sanitary manner.

A child's wet or soiled clothing shall be changed promptly.

IIK820 Sanitation.

The water used in the home shall be from a public water supply or meet the requirements of the State Division of Health.

Homes shall be reasonably free of flies, mosquitoes, other insects, and rodents that are harmful to children.

Garbage shall be stored in tightly covered leak-proof containers and shall be disposed of regularly.

715. Daily Illness Screening

IIK720 Illness.

The provider shall inspect the child for signs of illness when the child arrives.

If a child shows signs of illness after arrival, the provider shall contact the parent immediately.

716. Care of Sick Children

IIK700 First Aid Emergencies.

The provider shall have basic knowledge available of first aid and emergency procedures including how to control bleeding, deal with choking, and give mouth to mouth resuscitation.

If a child requires immediate medical attention due to accident or illness, the day care provider shall notify the parent. If unable to contact the parent, the provider shall obtain medical services as agreed upon by the parents in writing.

IIK720 Illness.

Illness of persons within the family day care home must be handled in such a manner that would protect all the children in care.

The provider shall inform the parent when there is a communicable disease in the home, before a child is admitted for care.

The provider shall report the local health department or State Division of Health any child diagnosed or suspected to be ill with measles, rubella, diphtheria, whooping cough, polio, tetanus, hepatitis, scarlet fever, or other communicable diseases.

717. Medication and Special Diet Provisions

IIK710 Medication.

The day care provider shall give prescription drugs to a child only if the drug has been currently prescribed by a physician, and if a copy of the doctor's instructions are in writing and parents agree.

718. Waiver of Health Requirements

IIK730 Immunization.

If immunization is against the parents' religion, or not advisable for medical reasons, the parents must provide a signed statement to that effect.

720. SAFETY721. General Safety Requirements

IIK830 Safety.

Flammable materials and dangerous materials including matches, cleaning solutions, aerosol sprays, gasoline, paints, medicine, and other hazardous chemicals and poisons, firearms and plastic bags shall be stored so that they are inaccessible to children.

When preschool children are cared for, the provider shall take precautions to protect children from falling or injuring themselves on stairs.

Electrical outlets within reach of preschool children shall be protected with outlet covers.

722. Fire Safety Requirements

IIK800 General.

As soon as possible or within 6 months of licensure, each home shall have a smoke detector, and each floor occupied by children shall have a fire extinguisher, which are in working condition and of a type approved by the State Fire Marshal.

IIK830 Safety.

Fireplaces and open-faced heaters shall be protected by screens. Gas heaters shall be vented and installed with permanent connections and protectors.

723. Transportation

IIK830 Safety.

Children shall not be transported in open vehicles such as the back of pickup trucks or convertibles.

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

IHK830 Safety.

Swimming pools shall be maintained and operated according to the rules of the Utah State Division of Health.

726. Emergency Procedures

Not specified

727. First Aid Supplies

IHK700 First Aid Emergencies.

The provider shall have a copy of "A Guide for First Aid and Emergency Care for Young Children" (Department provides this) to use when there is an accident. The Guide shall be posted in a prominent place.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

IHK500 Nutrition.

Meals and snacks served in the family day care home shall meet the required proportion of the child's daily nutritional needs based on the Recommended Daily Allowance (RDA) determined by the Food and Nutrition Board.

<u>Hours in Care</u>	<u>Minimum Meals and/or Snacks That Shall be Served</u>	<u>Proportion of Total RDA Required</u>
12 hrs. per day	2 meals and 2 snacks	100%
8 hrs. or more but less than 12 per day	1 meal and 2 snacks or 2 meals and 1 snack	2/3
4 hrs. but less than 8 hrs.	1 meal and 1 snack	1/2 to 1/3
Less than 4 hrs.	1 snack	1/4
8-10 hrs. of nighttime care	2 snacks or meals if child is in the center at standard mealtime hours.	1/2

Sufficient food shall be available to allow for second servings.

Only milk that is Grade A whole or Grade A 2% fluid shall be used for drinking. Powdered dry milk shall be used for cooking purposes only.

812. Waiver of Requirements

IHK500 Nutrition.

Children and infants shall be served special diets, formulas, or food supplements only in accordance with the written instructions of a physician or a parent.

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

IHK520 Menus and Service.

All food, utensils, and food preparation areas shall be kept clean and sanitary.

All children shall be served at the appropriate mealtime hour.

There shall be no more than 3 hours between the serving of meals or snacks.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

IIK 300 Parent Communication and Conferences.

The provider shall request a conference with the parents at least every three months to exchange information about the child.

The provider shall invite and encourage the parent to make suggestions and offer ideas for improvement of the day care program and services.

IIK303 Parent's Visiting.

The day care home shall be open for observation by parents during the regular hours of operation.

IIK304 Information Provided to Parents.

The provider shall notify parents of any changes in services offered.

The provider shall inform the parents of their right to make complaints about inadequate care and of the Division's grievance procedure.

The provider shall inform parents of the licensing standards. A copy of the standards and of any provider policy must be available on the premise and shall be given parents on request.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

HK550 Infant Feeding.

The infant shall be held while drinking from the bottle.

Infant food and formula shall be refrigerated and shall be fed to the infant in a clean and sanitary manner.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

IIK600 Home.

The home shall have enough indoor space for the number of children in care. A minimum of 35 square feet for each child is required.

IIK603 Yard.

A family day care home shall have an outdoor play area. A minimum of 40 square feet for each child is required. When a home lacks that amount the provider may use other easily accessible parks or outdoor areas if it is approved by Division staff.

If the outdoor play space is near a dangerous area it shall be enclosed by a fence or some other barrier to protect the children.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

IIK800 General.

All rooms used for children shall have a temperature of at least 65o.

1430. EXITS

IIK830 Safety.

Doorways, hallways, stairs, and rooms shall permit easy exit in case of fire or emergency and shall be free of obstruction to exit at all times.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except as otherwise noted, all citations are from the Vermont Department of Social and Rehabilitation Services, Regulations for Day Care Services, October, 1973.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Definitions.

A day care home is a day care facility that is a family residence other than the child's own home which offers care and protection to children within a normal family routine. The day care home serves only as many children as it can integrate into its own physical setting and pattern of living (usually six or fewer). It is especially suitable for infants, toddlers, sibling groups, as well as for neighborhood based day care for children before and after school.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Not specified

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

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232. Denial, Suspension, Revocation of a License

Not specified

233. Remedies and Sanctions

Not specified

233.1 Hearings

Not specified

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

101.10 Admission of children shall involve an interview with the parent to secure necessary information about the child and to ascertain if the child can benefit from day care.

101.20 A sample admission form is recommended by the Department. Each day care facility may devise its own form as long as it contains the following:

Emergency phone numbers;

Name of child's doctor; and

Name, address and telephone number of responsible person to contact if parent cannot be reached.

101.40 Each child is to be assigned her/his own toilet articles, and a change of clothing shall be available. If the program includes naps, each child shall have her/his own individual napping blanket.

102.20 The day care director shall submit to the Department of Social and Rehabilitative Services, as requested and on forms provided by the Department of Social and Rehabilitative Services, information concerning:

Names, ages of children cared for;
Date admitted, date withdrawn;
Any change in members of staff;
References and evaluations; and;
Other reports as requested.

312. Telephone

111.70 A Day Care Home shall have a telephone with posted telephone numbers of local doctors, fire department, police department, hospitals and parents of children in care.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

123.90 Each Day Care Home shall carry liability insurance of a reasonable amount for its own protection.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

101.23 Prior to admission, a physician's statement that the child is free from communicable diseases, or the medical history of the child as written by a R.N. or P.H.N. is required. These documents shall be part of the child's records. When the child leaves the day care facility these documents shall be returned to the parent. The day care director shall ensure that each child has had all immunizations appropriate to her/his age, including Polio, DPT/DT and Measles.

141.10 The following written records shall be maintained in the day care facility and kept up-to-date:

Application or admission form on each child in care.

Vital statistics on each child in care, including data on age, weight, height, etc.

Summary of parent conferences including dates held; and.

Health records of staff and of children, including physician's statement or medical history, description of physical disabilities, dietary requirements, immunization records, and signed permission by parent to contact child's physician in the event of illness or accident.

141.13 The director shall secure at the time of admission signed permission by the child's parent to contact a physician in the event of illness or injury.

342. Staff

133.10 All staff shall have an annual physical examination or a written statement from a physician stating they are in good physical and emotional health. This includes a T.B. test or an x-ray. All such records shall be on file in the personnel records.

141.10 A Day Care Home operating primarily for the purpose of providing care for children in attendance on a non-recurring basis shall maintain health records of staff, including physician's statement or medical history, in the day care facility and kept up-to-date.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

113.10 A Day Care Home shall be given a regular license to care for no more than six children, under sixteen years old, including the director's own pre-school or home bound handicapped children; and

113.11 Of these six, only two shall be under 24 months unless a second person is on duty.

422. Methods of Computing Group Size

113.20 The number and ages of children in a Day Care Home shall be determined by the experience, physical strengths, skills and capacity of the day director, and the director's ability to deal with children of different ages and capacities, subject to the sections above.

113.30 Day Care Homes frequently provide before-school and after-school care for short durations of time. If such care is given which increases the number of children, the licenser shall determine whether additional help is needed.

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

131.40 Regular staff who assume major responsibility shall be at least eighteen years old. Aides who are under eighteen years may assist under supervision, but shall not be counted in the child-adult ratio.

512. Health

133.10 All staff shall have an annual physical examination or a written statement from a physician stating they are in good physical and emotional health. This includes a T.B. test or an x-ray. All such records shall be on file in the personnel records.

513. Education

Not specified

514. Experience

131.00 Staff shall have sufficient knowledge of early childhood development and skills in working with children, developed through formal training and/or work experience, to properly fulfill all responsibilities with which they are charged.

131.20 All staff shall have a knowledge in and be familiar with the proper use of first-aid supplies, and be aware of the hazards of infection and accidents and how such hazards can be minimized.

131.30 The suitability of all staff shall be determined by reliable and satisfactory references which shall indicate the staff person's demonstrated interest in and liking for children, understanding of children and their growth needs, personal competence and emotional stability, and dependability.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

See 510. Child Caregiver Staff Qualifications

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

132.10 It shall be the responsibility of the Day Care Home director to provide in-service training and/or disseminate information about meetings in the area and to prompt and allow staff, if any, to attend workshops or meetings which would benefit the staff.

543. Support Staff

See 542. Child Caregiver Staff

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

121.10 A Day Care Home need not have a planned program, but shall provide constructive growth experiences within a flexible schedule. The schedule shall contain time for free play, snack periods, meals, and naps.

122.10 Some differentiation of program shall be made for the three year olds whose activities are more limited and different than the more active four and five year olds.

122.20 Day Care Programs and Policies for school age children shall be flexible enough to allow them to accept appropriate responsibilities in accordance with their abilities and the parent's consent.

122.30 Opportunity shall be given for the interaction between the day care children and the day care staff to promote the emotional and social development of the child.

122.50 Opportunity shall be available for outdoor activity, appropriate to the age of the child, when the weather permits.

122.60 Periods of active and quiet play shall be alternated to avoid fatigue and overstimulation.

141.10 The director shall assure that proper indoor and outdoor clothing is available for each child in the day care facility, and that each child is dressed appropriately for all activities.

612. Program Equipment and Materials

112.10 Play equipment of sufficient quantity and variety shall be provided indoors and out which is appropriate to the needs of the children, their developmental levels and interests; such equipment shall be maintained in good repair.

112.20 There shall be equipment which encourages large muscle activity (climbing apparatus, swings, wheel toys, tumbling mats, etc.).

112.30 There shall be equipment which encourages quiet activity (sand, clay, crayons, paints, story and picture books, dolls, puzzles, music, etc.).

613. Nap Provision

121.20 Provisions shall be made for a rest period of at least an hour daily; individual cots are recommended. Mats or sleeping bags may be used if floor is clean and free from drafts and dampness. Cribs for infants shall have sides. Beds regularly used by the family shall not be used for day care children unless a separate covering is placed on the bed.

121.30 There shall be a nap period or quiet period after the mid-day meal for children age four and under.

614. Discipline and Guidance

124.10 Discipline shall meet the needs of each individual child.

124.20 Authority to punish shall not be delegated to older children.

124.30 A child shall not be deprived of snacks or meals as punishment.

124.40 No child shall be subject to verbal abuse or threats. Cruel, severe, unusual or unnecessary punishment shall not be inflicted upon children. Derogatory remarks shall not be made in the presence of children, about family members of children in care, or about the children themselves.

124.41 Reports of mistreatment coming to the attention of the Department of Social and Rehabilitative Services will be investigated and, when appropriate, referred to the proper authorities.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

123.70 Provisions shall be made for the development of good health habits, eating habits, personal habits and proper social and behavioral attitudes. Face and hands shall be thoroughly washed before meals. Hands shall be washed after toileting.

141.10 The director shall determine at the time of admission of a child that the child is free from communicable diseases, is in good health, and has no physical or mental disability which would preclude the child's admission to the home.

712. Health Assessments

Not specified

713. Immunizations

101.23 Prior to admission, a physician's statement that the child is free from communicable diseases, or the medical history of the child as written by a R.N. or P.H.N. is required. These documents shall be part of the child's records. When the child leaves the day care facility these documents shall be returned to the parent. The day care director shall ensure that each child has had all immunizations appropriate to her/his age, including Polio, DPT/DT and Measles.

714. Sanitation

Not specified

715. Daily Illness Screening

123.10 No child shall be admitted to a Day Care Home if in the opinion of the director the child is ill.

716. Care of Sick Children

123.30 An ill or injured child shall receive immediate attention of the staff.

123.31 An ill or injured child's parent shall be notified of the child's illness or injury; the child shall be moved only with the permission of the parent or by direction of a physician; and

123.32 An ill or injured child (if allowed) shall be isolated in a separate room, under supervision. Clear plans shall be made for the earliest possible return of the child to the parent.

717. Medication and Special Diet Provisions

123.40 Medication or special diet shall be given to the child only on written request of the parent, guardian or physician.

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VERMONT

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

111.20 The Day Care Home shall meet state Life-Safety and Environmental Sanitation requirements.

111.40 Drugs, poisons, harmful chemicals, household supplies and recreational equipment other than that used by the children, dangerous tools and weapons shall be locked out of sight or, otherwise, inaccessible to the children.

722. Fire Safety Requirements

Not specified

723. Transportation

114.11 Transportation may be provided for children either as part of the program or for pick-up and delivery when the following conditions are met:

No more than five children shall be carried in a standard passenger car without the presence of a second adult.

The vehicle shall be properly inspected by an official Vermont Inspection Station.

All installed safety equipment appropriate to the sizes and ages of the children shall be utilized.

Car-beds, car-seats, child-harnesses, lap-seat-belts, and shoulder-belts shall meet federal safety standards.

There shall be no standing passengers.

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The operator of the vehicle shall hold a State of Vermont regular operator's license.

Automobile insurance with special passenger-carrying permit at limits of bodily injury liability of not less than \$50,000/\$100,000 and property damage liability of \$10,000 shall be carried,

Seats shall be securely fastened to the floor of the vehicle; and

Children shall not be transported in truck bodies.

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

III.30 There shall be plans for the protection or evacuation of children in event of a natural disaster or other emergency; and

III.31 There shall be a responsible adult available or on call for emergencies. This person's name, telephone number, and signed statement of availability shall be on record.

727. First Aid Supplies

123.20 Adequate first-aid supplies shall be maintained for emergency medical care of a child who may become injured or ill.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

123.50 Adequate and nutritious snacks and meals shall be provided when the child's stay at a Day Care Home exceeds three hours. A weekly menu shall be available for inspection.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

103.10 The director and/or staff shall meet with parents at least three times per year.

103.20 Arrangements for the child's return to the parent shall not include third parties or other child care facilities unless written agreement between the day care facility and the parent is on file with the director.

103.30 A system of positive identification of children and parents shall exist in the day care facility.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

122.40 Infants shall be held, played with, and given social experiences which are stimulating to growth and development. Infants shall not be isolated or left in cribs for the major part of the day, nor shall they be inhibited in their progress toward creeping, walking, and talking, and in awareness of or reaction to their environment.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

113.30 Day Care Homes frequently provide before-school and after-school care for short durations of time. If such care is given which increases the number of children, the licenser shall determine whether additional help is needed.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

111.50 There shall be provision for a safe outdoor play area which provides a minimum of 75 square feet of space per child. The play area shall be protected from traffic or other hazards in a manner safe for children.

111.60 There shall be indoor space of at least 35 square feet per child. This space shall not include toilet facilities, food storage or preparation area, office or isolation room.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

All citations in Sections 100 and 200 are to the Virgin Islands Code Annotated title 34, Chapter 13, 1980. All other citations are to the Virgin Islands Department of Social Welfare, Sections 401.4 and 401.5, Standards for Day Care Centers and Family Day Care Homes, 1966.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

§382 Definitions.

"Family day care home" means a child day care facility which provides care for not less than 3 nor more than 6 children under 14 years of age for less than 24 hours a day, and whether or not the facility is operated for profit.

See also DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

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232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

b Staff and Household.

The children must have constant supervision. If a day care mother is alone in the home, a responsible adult must be available on call to assist should an emergency arise.

g Records and Reports.

A family day care home must maintain records prescribed by the Department of Social Welfare and on forms provided for this purpose.

Representatives of the Department shall have access to all records and reports. The confidential nature of these records and reports must be respected. Required records include:

Financial Records and Reports -- Appropriate and adequate financial records must be maintained. These financial records must be submitted to the Department upon request.

Statistical Reports -- Monthly reports required by the Department must be maintained, including daily attendance and fee payment report.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

b Staff and Household.

A married woman living with her spouse must have his consent and cooperation to operate a day care home.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

850

340. RECORDS REQUIREMENTS341. Children

g Records and Reports - Children's Record.

This record must include at least the following information: Name, birthdate and birthplace of child; name of parents, home and business addresses and telephones; information about the child's habits, which will be helpful to the day care mother in providing individualized, understanding care; legal guardian, if other than parents, with name, address and telephone; dates of admission and discharge; a current medical certificate from a licensed physician; name, address and the telephone number of the person to contact in an emergency if parents cannot be contacted promptly; and other reports required by the Department.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

b Staff and Household.

The child's own parents must be accepted by the day care family and they must recognize the differing areas of responsibility of the day care home and those of the child's own parents.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

a Definition.

The total number of children that may be cared for in a family day care home may not exceed six including the day care mother's own children with no more than three under 18 months of age. If all children being cared for are under three years of age, the maximum may not exceed five. The number for which the home is licensed must include the mother's own pre-school children.

422. Methods of Computing Group Size

a Definition.

The number and ages of children that may be cared for in a family day care home depends upon the space in the home, the skill of the mother, and the number of own children in the home.

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

b Staff and Household.

The day care mother must be 21 years of age or over and should be a mature, active person who is flexible in caring for young children, although persons responsible for care of the children must be eighteen years of age or over.

512. Health

b Staff and Household.

The day care mother must be physically and mentally able to give good care to children, as indicated by references and by a physician's statement.

513. Education

b Staff and Household.

The day care mother must be able to read and write well enough to keep necessary records. Education with some knowledge of child care principles is desirable.

514. Experience

b Staff and Household.

The day care mother and other persons responsible for the child must have an interest in and a capacity for enjoying children. They should also be dependable and consistent, have the ability to discern the feelings and needs of children and possess good judgment, thus assuring the handling of emergency situations promptly and intelligently. The suitability of the day care mother must be attested by three satisfactory non-related references.

520. PROGRAM DIRECTOR QUALIFICATIONS521. AgeSee 511. Age522. HealthSee 512. Health523. EducationSee 513. Education524. ExperienceSee 514. Experience530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

c Program.

The day care home is particularly suited to provide a child with the same experience he should receive in his own home.

The child engages in the same kind of informal play activities that should be provided in his own home. It is important, however, that planned daily activities be provided which will serve to stimulate the physical, social and emotional growth of the child.

Activities must be planned in such a way that each day follows a similar pattern so the child can find security in the routine.

Snack time, meal time, play time, and nap time should always come as nearly as possible at the same time each day. It is important that there be a relaxed, unhurried, homelike atmosphere which is far more important than adhering strictly to a schedule.

The activities of the day must provide alternate periods of active and quiet play to promote healthy growth and development and to protect children from fatigue and over stimulation.

In suitable weather there should be periods when infants and younger children are out of doors.

612. Program Equipment and Materials

e Equipment.

Appropriate toys and materials for indoor and outdoor play must be provided. All toys and equipment must be constructed so that there are no loose, sharp or pointed parts that might injure the child.

An individual bed, pad or cot must be provided for each child. Beds used by the family must not be used for children.

For infants under 18 months, a crib or play pen with sides must be used.

613. Nap Provision

c Program.

All pre-school age children must be required to sleep or rest on individual cots, pads or beds after the mid-day meal.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

See DAY CARE CENTERS

713. Immunizations

See DAY CARE CENTERS

714. Sanitation

d Physical Plant.

Toilet and bathing facilities must be inside the home. In areas where these facilities are not available, adequate substitutes approved by the Bureau of Environmental Sanitation will be accepted. There must be an adequate sanitary supply of water available for drinking and household use. Water supply that is not certified must be purified.

Building, premises and equipment should be kept clean, sanitary and in good repair, and should provide for reasonable comfort and well-being.

715. Daily Illness Screening

See DAY CARE CENTERS

716. Care of Sick Children

See DAY CARE CENTERS

717. Medication and Special Diet Provisions

See DAY CARE CENTERS

718. Waiver of Health Requirements

See DAY CARE CENTERS

720. SAFETY721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Not specified

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION AND SERVICE REQUIREMENTS

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANT AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

863

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

d Physical Plant.

The day care home should be in or near the child's own neighborhood. This avoids the strain of long daily travel and provides familiar surroundings for the older child.

There must be adequate indoor and outdoor play space. Outdoor play space may be waived if only infants are under care.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

d Physical Plant.

All rooms used for children should have plenty of sunlight, adequate ventilation and lighting.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Virginia Department of Welfare, Minimum Standards for Licensed Family Day Care Homes, July, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

VA. CODE §63.1-195 Definitions.

"Family day-care home" means any private family home in which more than five children are received for care, protection and guidance during only a part of the twenty-four hour day, ...

112. Exclusions and Exemptions

VA. CODE §63.1-195 Definitions.

"Family day-care home" means any private family home... except (1) children who are related by blood or marriage to the person who maintains the home or (2) homes which accept children exclusively from local departments of welfare or social services; provided, however, that in case of a complaint in such a home where less than six children reside, the Commissioner may cause an investigation to be made as provided in VA. CODE §63.1-198 and may require such home to comply with the provisions of this chapter applicable to family day-care homes if he finds that such home is not conducive to the welfare of the children received therein;

See also DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE221. Application and Issuance

I General - Licensing Procedures - Original License.

Any individual(s) planning to conduct a program for family day care shall file an application for license at least two (2) months in advance of the planned opening date. The application form is provided by and may be obtained from the Department of Welfare.

If the home has a private water supply and is not connected to a municipal sewer line, the Department will request an inspection and report from the local health department. Inspection and approval of such authorities as are either required or permitted to inspect and enforce fire regulations will be required in instances when conditions seem to indicate need for approval.

222. Fee Charged

I General - Licensing Procedures - Original License.

There is no fee for a State license.

223. Areas of Investigation

I General - Licensing Procedures.

Following receipt of application a representative of the Department will make a study of the proposed services and facilities of the applicant.

After the application for license is approved by the Commissioner, the applicant will receive by mail a license which, as provided by statute, will set forth the conditions under which he/she may operate. The terms of the license include the name(s) of the operator(s) of the family day care home, the maximum number and age range of children to be served, and the period of time for which the license is effective, and may include other limitations which the Commissioner may prescribe. An accompanying letter may contain, in addition to the limitations on the license, any recommendations regarding activities, services, and facilities to be employed. A letter accompanies a provisional license and states the reason(s) for its being provisional.

224. License Renewal

I General - Licensing Procedures - Renewal of Annual or Provisional License.

The statute requires for continued operation, annual renewal of the license or renewal of the provisional license at its expiration date.

See also DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

Not specified

312. Telephone

IV Physical Environment and Equipment.

The family day care home shall have a working telephone, other than a pay phone, with a listed number. A number for a doctor who may be called in an emergency, an ambulance service or rescue squad, the fire department, and the police shall be posted near the phone and out of the reach of children.

313. Proof of Operator Financial Capabilities

III Household.

The day care family shall give evidence that their financial resources are such that they can give continuing maintenance to the operation of the day care home.

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

II Personnel - Qualification Requirements for Family Day Care Parent(s) and Assistant(s).

No person convicted of a crime involving child abuse, child neglect or moral turpitude shall be a family day care parent or assistant.

III Household.

All members of the day care household including relatives, lodgers, and employees, shall be responsible, wholesome, and emotionally stable persons of good character and reputation.

No member of the household shall have been convicted of a crime involving child abuse, child neglect or moral turpitude.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

VII Records.

Each family day care home shall maintain a record for each child as long as he remains in care.

Records shall include:

Identifying Information:

Name and nickname (if any) of the child;

Birthdate;

Names, home address, and telephone number of parent or other responsible person(s) and of the family physician;

Place of parent's(s') or other responsible person's(s') employment and telephone number;

Address and telephone number of some designated person to call in case of an emergency when the parent cannot be reached;

Names of persons authorized to call for the child, as well as those who are not to visit or call for the child;

Date of admission and date of withdrawal.

Required Medical Information (See 712. Health Assessments).

342. Staff

Not specified

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343. Child Eligibility and Enrollment Requirements

VII Records - Agreement Forms.

Written agreements shall be made between the day care parent and the natural parent, guardian or other responsible person for each child in care. One copy shall be maintained with the record and one copy shall be given to the parent, guardian, or other responsible person.

Agreement forms shall cover:

Hours of care per day, week, or month; cost of care per day, week, or month; frequency and amount of payment per day, week or month; and any special services to be provided by either party to the agreement;

Authorization for emergency medical care if an emergency occurs and parents cannot be located immediately;

Authorization for participation in specific classes, clubs, or other activities, when feasible, indicating the activity, time of leaving and returning, and method of transportation to the activity.

Individual authorization for out-of-town trips when taken; and

Provision that the day care parent will notify the parent whenever a child becomes ill and the child will be picked up as soon as it is feasible for the parent or other responsible persons to do so.

All records shall be made available to the Commissioner's Representative upon request.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

II Personnel - Ratio of Adults to Children - Staffing.

When applicable, an assistant must be present in order to maintain the following adult-child ratio:

One (1) adult to every four (4) infants below two (2) years of age, including those related to the licensee;

One (1) adult to every six (6) children above two (2) years of age, including children under six (6) years of age who are related to the licensee;

In determining the need for an assistant, children who are accepted for no more than three hours of care before and after school shall not be counted.

412. Methods of Computing Staff/Child Ratios

II Personnel - Ratio of Adults to Children - Maximum Number of Children in Care.

A license is required for the care of six (6) to nine (9) children unrelated to the licensee. (A child care center license is required for ten (10) or more children.) The number of children on the license represents the maximum number of children unrelated to the licensee who may be in care at any one time.

420. GROUP SIZE421. Group Size as of March, 1981

See III. Definitions

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

II Personnel - Qualification Requirements for Family Day Care Parent(s) and Assistant(s).

A family day care parent shall be at least 18 years of age.

A family day care assistant shall be at least 14 years of age.

512. Health

VI Physical Health - Health Requirements for Family Day Care Household and Assistants.

An applicant for a Family Day Care Home License shall submit a statement from a licensed physician indicating that the applicant, any assistant, and all members of the family day care household (including lodgers and employees) who have direct contact with the children will not jeopardize the health of anyone in the household. Such reports shall be renewed annually.

An applicant for a Family Day Care Home License shall submit a statement from a licensed physician indicating that the applicant, any adult assistant, and all adult members of the household (including lodgers or employees) who have direct contact with the children in care are determined to be free from tuberculosis in accordance with acceptable methods of the Virginia Department of Health. Such reports shall be renewed annually.

Medical records shall be kept and made available to the Commissioner's Representative upon request.

513. Education

II Personnel - Qualification Requirements for Family Day Care Parent(s) and Assistant(s).

A family day care parent shall be able to read and write.

514. Experience

II Personnel - Qualification Requirements for Family Day Care Parent(s) and Assistant(s).

A family day care parent and any assistant(s) shall be responsible, wholesome, and emotionally stable people of good character and reputation.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

See 513. Education

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524. ExperienceSee 514. Experience530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

V Care of Children - Activities and Experiences.

Daily activities in the family day care home shall be informal so that children may have the benefit of experience in family living and may have an opportunity to participate in the usual household routines.

The family day care parent shall plan the day so that he/she has sufficient time to talk with, play with, and offer physical comfort to the children in care. Planning shall provide children with activities appropriate to their ages, interests, and abilities on an individual basis with due consideration for the physical, emotional, social and mental growth of the child.

Activities shall include:

Opportunities for alternating periods of active and quiet participation depending upon the ages of the children:

Opportunities for vigorous outdoor play daily, depending upon the weather, the ages, and health of the children;

One or more regularly scheduled rest or nap periods;

Opportunities for children to learn about themselves, others and the world around them:

Opportunities for children to exercise initiative and develop independence in accordance with their ages.

If television viewing is used, it shall be used with discretion and shall not be used as a substitute for planned activities. The amount of time children spend watching television shall be regulated.

612. Program Equipment and Materials

IV Physical Environment and Equipment.

Play material and equipment appropriate to children's developmental stages shall be made available for their use.

613. Nap Provision

IV Physical Environment and Equipment.

Each child must be provided with a crib, cot, or bed for resting or napping and clean bedding suitable to the season.

Neither play pens nor double decker cribs, nor double decker cots shall be used for sleeping.

832

A crib, cot, or bed shall be designated for a particular child's use. Children may sleep on beds of family members if they do not sleep on the same linen. Cribs shall be provided for infants.

614. Discipline and Guidance

V Care of Children - Behavior and Guidance.

The following requirements apply to the day care parent and the assistant(s):

The day care parent shall plan cooperatively with each child's parent(s) or guardian in establishing rules and limits that encourage desired behavior and discourage undesired behavior of children in care.

Expectations of each child(s) behavior must be appropriate to the child's age and developmental state. Rules and limits shall be clearly explained to each child and shall be consistently reinforced.

Consistent methods shall also be used in responding to a child's unacceptable behavior. These methods shall never be humiliating, shaming, or frightening to a child; they shall never include physical or verbal abuse, threats or derogatory remarks; and they shall never be associated with food, naps, or toileting procedures.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

IV Physical Environment and Equipment.

The family day care home shall provide a homelike atmosphere, with emphasis

on homemaking rather than housekeeping, yet the premises shall be clean.

712. Health Assessments

VI Physical Health - Health Requirements for Children.

Within 30 days before or after admission, and annually thereafter, each child accepted for care in the home shall have a physical examination by a physician licensed to practice medicine, and a copy of the report shall be submitted to the licensee. The report shall include a record of a child's having had immunizations as required by the State Health Department.

In the case of infants below two years of age, there shall be a statement from the physician as to the child's immunization status since the timing of immunization for infants will be a determination of the child's physician.

713. Immunizations

See 712. Health Assessments

714. Sanitation

IV Physical Environment and Equipment - Sanitation.

Except where water is obtained from a municipal supply and the house is connected to a municipal sewer line, the water supply and sanitary disposal shall be approved by the local health officer.

VI Physical Health - Animals.

In cases where there are pets in the day care home, care shall be taken to protect the children. There shall only be domestic animals, fowls, and fish in the day care home and/or yard where the day care children are.

All dogs over 6 months of age shall be immunized against rabies.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

VI Physical Health - Illness and Injury.

A child who is apparently ill shall not enter the family day care home without medical approval.

If a child becomes ill during the day, he shall be isolated and the parents or other responsible person shall be notified immediately in order that the child may be removed. He shall be isolated but not left alone.

717. Medication and Special Diet Provisions

V Care of Children - Nutrition and Food Services.

Special diets shall be provided as prescribed by a physician for individual children or in accordance with religious requirements.

VI Physical Health - Health Requirements for Children.

There shall be a record of other pertinent information, including allergies, food habits, special diets, and the like.

Medicines

Non-prescription drugs, including but not limited to vitamins and aspirins, may be given to a child only with a parent's or guardian's written consent. Prescribed drugs shall be given to a child only in accordance with a doctor's signed order or authentic prescription label and with a parent's or guardian's written consent. A copy of such written permission shall be filed in the child's record.

All medication shall be identified, carefully labeled with the child's name, kept out of the reach of children, and returned to the parent when no longer needed.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Not specified

722. Fire Safety Requirements

IV Physical Environment and Equipment - Fire Prevention.

The home shall be free from fire hazards and have adequate fire protection. Inspection and approval of such authorities as are either required or permitted to inspect and enforce fire regulations shall be required when conditions seem to indicate need for approval.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

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800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

V Care of Children - Nutrition and Food Services.

The food for children shall be adequate for nutritional needs for wholesome growth and development.

Since meals and snacks will vary according to the hours children are in care:

Children in care between the hours of 8 a.m. and 5 p.m. shall be served a mid-morning snack, a mid-day meal, and an afternoon snack;

Children in care between the hours of 2 p.m. and 10 p.m. shall be served a mid-afternoon snack, an evening meal, and a bed-time snack;

Children in overnight care between the hours of 8 p.m. and 7 a.m. shall be offered a bed-time snack and shall be served breakfast.

All meals served to children shall consist of foods selected from each of the following groups:

Meat, eggs or cheese;

Green and yellow vegetables-fruits;

Enriched or whole grain breads, cereals; and

Milk

Children shall be served small size portions and permitted to have additional servings.

Snacks served to children shall consist of, but not be limited to such things as milk or fruit juice and crackers, fruit or vegetables, rather than candy, cake, cookies, soft drinks, and the like.

Drinking water shall be made available to the children at all times. If paper cups are not used, each child shall have his individually assigned glass.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

V Care of Children - Nutrition and Food Services.

Meals shall be planned to provide children an opportunity to learn to eat and enjoy a variety of nutritious food.

Provision shall be made for the children's comfort during meal times.

There shall be proper provision for food preparation and care of perishable foods.

Eating utensils and dishes shall be appropriate in size to be handled by children. If disposable dishes and utensils are used, they shall be sturdy enough to prevent them from being a safety hazard. They shall be used only once and then discarded.

900. SOCIAL SERVICES

Not specified

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1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

IV Physical Environment and Equipment.

The physical facilities of the home and grounds shall present no hazard to the health and safety of the children.

There shall be space indoors and outdoors for children to play.

Space shall be provided and accessible for each child over two years of age to keep clothing, toys and other personal belongings.

There shall be a place for the isolation of a child who becomes ill while in the family day care home.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

IV Physical Environment and Equipment.

The house must be screened and properly ventilated and must be dry and heated in winter. A winter temperature of 68° to 72° Fahrenheit shall be maintained in all rooms occupied or used by the children except when mandated otherwise by federal or State authorities.

Adequate lighting shall be provided in each room.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

IV Physical Environment and Equipment.

There shall be adequate bathing and toilet facilities easily accessible to the children. Either paper towels or individually assigned cloth towels shall be provided. If cloth towels are used, they shall be laundered when soiled.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

IV Physical Environment and Equipment.

Family day care homes must comply with local child care ordinances where such exist. Note of approval from the administrator of the local child care ordinance will constitute evidence of compliance.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 221. Application and Issuance, 712. Health Assessments, and 1510. ZONING

1550. SANITATION

See 714. Sanitation

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Washington Department of Social and Health Services, Minimum Licensing Requirements for Family Day Care Homes for Children, Chapter 388-73, Washington Administrative Code, June, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

WAC 388-73-014 Persons and Organizations Subject to Licensing.

"Foster family home" means a person(s) who regularly provide(s) care during all or any part of the twenty-four day to one or more children, expectant mothers, developmentally disabled adults or other adults in need of protection in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or adult is placed.

A family day care home means a home which regularly provides care during part of the twenty-four day to six or fewer children.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

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230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

WAC 388-73-030 General Qualifications of License, Persons on the Premises.

The licensee, staff and other persons on the premises shall be persons of good character. The licensee shall demonstrate that he/she, child care staff, volunteers and other persons who have access to persons under care have the understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional and social needs of persons under care.

WAC 388-73-032 Age of Licensee.

Applicants for a license under this chapter shall be at least eighteen years of age.

WAC 388-73-034 Posting of License.

All licensees, except for foster family homes for children, expectant mothers, developmentally disabled adults and adults in need of protection, shall post the license issued under this chapter in a conspicuous place.

WAC 388-73-060 Work Assignments.

Persons under care shall not be used to carry the responsibility for basic maintenance of the facility and equipment. However, household tasks may be performed insofar as they are appropriate to the program and as part of a planned learning experience. Work assignments shall be appropriate to the age and physical condition of the person under care.

WAC 388-73-422 Capacity—Family Day Care Home.

No family day care home shall be licensed for more than six (6) children; such number shall be reduced by the number of licensee's own children and foster children under twelve years of age who are on the premises.

A family day care home may provide care for more than six children provided that:

None of the additional children are in care for more than three hours;
and

In no event shall the total number of children under twelve years of age on the premises exceed ten, and

Whenever there are more than eight children on the premises or whenever there are more than six children on the premises any of whom are under two years of age, the day care provider shall be assisted by a competent person who is at least sixteen years of age.

No family day care home shall care for more than two children under two years of age, including the licensee's own and foster children under two years of age.

WAC 388-73-042 Religious Activities.

The rights of persons in care to observe the tenets of their faith shall be respected and facilitated consistent with state and federal law. Persons shall not be punished for exercising these rights.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

WAC 388-73-030 General Qualifications of License, Persons on the Premises.

The licensee, staff and other persons on the premises shall not have been convicted of child abuse and/or any crime involving physical harm to another person nor be a perpetrator of substantiated child abuse.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

WAC 388-73-040 Discrimination Prohibited.

The license shall comply with federal and state statutory and regulatory requirements regarding nondiscrimination in employment practices and client services.

340. RECORDS REQUIREMENTS341. Children

See DAY CARE CENTERS

342. Staff

See DAY CARE CENTERS

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

See DAY CARE CENTERS

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981See 111. Definitions422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

See DAY CARE CENTERS

512. Health

See DAY CARE CENTERS

513. Education

See DAY CARE CENTERS

514. Experience

See DAY CARE CENTERS

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

See DAY CARE CENTERS

522. Health

See DAY CARE CENTERS

523. Education

See DAY CARE CENTERS

524. Experience

See DAY CARE CENTERS

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

WAC 388-73-420 Orientation and Training--Family Day Care Home.

Applicants and family day care licensees shall attend orientation and training programs provided, arranged or approved by the department.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

WAC 388-73-424 Family Day Care--Program and Equipment.

The day care parent shall develop a planned program of both group and individualized activities with the day care parent playing an active role, as well as periods of free play, designed to promote the physical, mental and social skills of the children under care.

612. Program Equipment and Materials

WAC 388-73-424 Family Day Care—Program and Equipment.

A variety of play equipment suitable to the ages of the child and suitable for such activities as climbing, pulling, pushing and riding shall be provided. Equipment shall be constructed and maintained to minimize chances of accidents. Toys which might be ingested by infants or which are otherwise hazardous to young children shall be removed from areas in which they are playing. There shall be a variety of suitable indoor play equipment including, but not limited to, art materials, musical materials and toys suitable for table-top play.

613. Nap Provision

See DAY CARE CENTERS

614. Discipline and Guidance

See DAY CARE CENTERS

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

WAC 388-73-132 Health Care Plan.

All facilities providing direct care shall have a written plan of action to be taken in the event of medical emergencies and a plan for health supervision and arrangement for the provision of needed medical care....

712. Health Assessments

See DAY CARE CENTERS

713. Immunizations

See DAY CARE CENTERS

714. Sanitation

WAC 388-73-116 Laundry.

Adequate facilities shall be provided for separate storage of soiled linen and clean linen. Adequate laundry and drying equipment shall be provided unless arrangements are made for commercial laundry services, or bedding and/or clothing are provided and laundered by parents....

715. Daily Illness Screening

See DAY CARE CENTERS

716. Care of Sick Children

See DAY CARE CENTERS

717. Medication and Special Diet Provisions

WAC 388-73-136 Medications Controlled By Licensee.

Except for foster family homes, a record shall be kept of all medications disbursed and "as needed" medications shall be approved by a physician or registered nurse prior to disbursement.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

WAC 388-73-102 Safety and Maintenance.

The physical plant, premises and equipment shall be maintained in a clean and sanitary condition, free of hazards and in good repair. Steps shall be provided with handrails as determined necessary by the department. Emergency lighting devices, such as flashlights, in operational condition shall be

available. All flaking or deteriorating lead-based paint on exterior and interior surfaces and equipment and toys which are accessible to preschool-age children shall be refinished with lead-free paint or other non-toxic material....

WAC 388-73-104 Firearms.

Firearms, if any, shall be used only under competent adult supervision and when not in use shall be kept in locked storage accessible only to authorized persons.

722. Fire Safety Requirements

WAC 388-73-310 Fire Safety.

Every room used by persons under care, unless provided with two separate doors or one door leading directly to the outside, shall have a window of sufficient size and free of obstructions to be readily available for emergency escape or rescue.

Every occupied area shall have access to at least one exit which does not pass through rooms or spaces subject to being locked or blocked from the opposite side.

No space shall be used for residential purposes which is accessible only by ladder, folding stairs or a trap door.

Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

Every closet door latch shall be such that the door can be opened from the inside.

No stove or heater shall be so located as to block escape in case of malfunctioning and ensuing fire.

Flammable, combustible or poisonous material shall be stored away from exits and in areas not accessible to persons under care.

Open flame devices, heating and cooking appliances, and other similar products capable of igniting clothing shall not be left unattended or used in such a manner which could result in accidental ignition of clothing.

There shall be readily available an approved five pound or larger all purpose (A.B.C.) type fire extinguisher.

A smoke detector shall be located in proximity to the area(s) where persons are under care sleep.

If question arises concerning fire danger, the local fire protection authority shall be consulted.

723. Transportation

See DAY CARE CENTERS

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials and 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

WAC 388-73-310 Fire Safety.

All persons in care shall be instructed in emergency evacuation procedures and drills conducted at regular intervals to test and practice the procedure.

727. First Aid Supplies

See DAY CARE CENTERS

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

WAC 388-73-144 Nutrition.

Food served by each agency shall be planned in light of the needs of the persons under care, taking into consideration their ages, cultural background, any handicapping condition, and hours of care in the facility.

The use of raw milk is prohibited. Skim milk and reconstituted non-fat dry milk shall not be used for drinking purposes by children less than two and one-half years of age, except with the written permission of a physician. Dry milk and milk products may be reconstituted in the facility for drinking purposes for children over two and one-half years of age provided the preparation, service, and storage of said milk is in accordance with the requirements of 248-84 WAC relating to potentially hazardous foods....

Day Care and Day Treatment - Children in care for five to ten hours shall be served food that provides at least one-third of the 1974 recommended dietary allowances set by the National Research Council. Children in care for more than ten hours shall be served food that provides at least one-half of the 1974 recommended dietary allowances set by the National Research Council. Children who bring sack lunches from home shall be provided additional foods to meet these requirements. Licensees shall consult with parents as to the additional foods that are provided.

All children arriving before 7:00 a.m. who have not received breakfast shall be offered a breakfast that provides at least one-fourth of the recommended dietary allowances.

All children present shall be offered mid-morning and mid-afternoon snacks. If a breakfast was served to all children, then a mid-morning snack is not required. Children arriving after school shall be offered a snack.

Between-meal snacks shall be provided and may be part of the daily food needs. Snacks shall consist of two or more of the following items (two foods within the same grouping may be served), served in age-appropriate serving sizes:

milk or milk products

fruit and/or vegetables

fruit and/or vegetable juices that are at least fifty percent real juice

whole grain or enriched breads and/or cereal products;

protein foods (animal or vegetable).

The occasional serving of party foods which do not meet these requirements is not prohibited.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

WAC 388-73-112 Kitchen Facilities.

Facilities for the proper storage, preparation and service of food shall be provided to the extent required by the type of care being provided....

Children may participate in food preparation provided it is part of an agency's supervised program. Preschool age children shall be supervised when in the kitchen....

900. SOCIAL SERVICES

See DAY CARE CENTERS

1000. PARENT PARTICIPATION

See DAY CARE CENTERS and 611. PROGRAM OF ACTIVITIES

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

WAC 388-73-146 Infant Care.

Cribs - Cribs shall be made of wood, metal or approved plastic and have secure latching devices. Cribs purchased for the use of infants under six months of age shall have no more than two and three-eighths inches space between vertical slats. Cribs currently on hand which do not meet the spacing requirement may be used provided crib bumpers or other effective methods are used to prevent the infant's body from slipping between the slats. Mattresses shall fit snugly to prevent the infant being caught between the mattress and crib side rails. Crib mattresses shall be waterproof and easily sanitized....

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

WAC 388-73-424 Family Day Care--Program and Equipment.

Children shall be under close supervision of an adult and within easy hearing distance at all times. If the absence of the day care parent is necessary, the child must be left in charge of a competent adult. With written parental permission, school age children may visit neighborhood friends and participate in community activities.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

WAC 388-73-424 Family Day Care--Program and Equipment.

Adequate play space shall be available both indoors and out. The outdoor play area shall be fenced if conditions require.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

See DAY CARE CENTERS

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

WAC 388-73-118 Toilets, Lavatories and Bathing Facilities.

There shall be at least one indoor flush type toilet and one lavatory with hot and cold or tempered running water. The following ratios of persons normally on the premises to facilities shall apply:....

	Toilets	Lavatories	Bathing Facilities
Family Day Care Home	1 minimum	1 minimum	1 minimum

Toilet and bathing facilities shall provide for privacy for persons of the opposite sex who are six years of age or older.

Toilets, urinals and handwashing sinks shall be of appropriate height for the children served or be provided with a safe and easily cleanable platform....

All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as non-skid pads, are approved by the department....
Preschool children shall not be left unattended in a bathtub.

Equipment for toileting and toilet training of toddlers shall be provided and maintained in a sanitary condition at all times. Infants in diapers and those using toilet training equipment need not be included when determining the number of flush-type toilets required....

Soap and individual towels or disposable towels shall be provided.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

See DAY CARE CENTERS

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

See DAY CARE CENTERS

1560. NEW CONSTRUCTION

See DAY CARE CENTERS

903

Except where otherwise noted, all citations are from the West Virginia Department of Welfare, Family Day Care: Enrichment Standards, 1975.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

\$12090 West Virginia Social Services Manual - 2/81.

A family day care home - facility which provides care for up to six (6) children including the day care provider's own children for a part of the twenty-four hour day, with not more than two (2) children under age two (2), including the provider's. If care is provided for any child from infancy to age three (3), not more than five (5) children can be provided for, including the provider's own children under age six.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

911

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

III Hours of Work.

The day care provider should not usually work more than ten (10) hours in any twenty-four (24) hour period. A full day will be considered as between seven (7) and ten (10) hours.

Many client situations, however, such as attending an out-of-town training program, working split shifts, hospitalization or illness, require a day care arrangement for more than ten (10) hours in any twenty-four (24) hour period. The worker may approve such an arrangement if the worker and natural parents agree that day care is the best plan.

Payment for day care which exceeds ten (10) hours in any twenty-four (24) hour period will be the same as payment for full day care.

312. Telephone

V Health and Safety.

In all day care homes there shall be a telephone accessible within ten (10) minutes to the day care parent.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

V Health and Safety.

The day care family should have a plan to purchase standard liability insurance (legal liability coverage) for the protection of both the child and the family day care provider in case of accident or injury.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

IV Records.

For each child there must be on file in the home the following emergency information:

Child's name and age.

Telephone number or instructions as to how parent(s) or guardian may be reached during the hours the child is in the family day care home.

Name and telephone number of child's physician.

Name and telephone number of the hospital or clinic preference.

Written permission for emergency medical, dental or surgical treatment.

Notes regarding discussions with parents about health problems indicating that the parent has been made aware of any health problem observed by the day care provider and that an appropriate plan has been developed to resolve the health problem noted.

Any pertinent information obtained from parents and/or health sources.

See also 717. Medication and Special Diet Provisions

342. Staff

See 512. Staff Qualifications - Health

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Not specified

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE421. Group Size as of March, 1981

II Admission of Children.

The day care provider will not care for more than six children at any one time, including the day care provider's own children under the age of 14.

In a family day care home there may be only two children under the age of two.

422. Methods of Computing Group Size

Not specified

915

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

I Day Care Provider Requirements.

Each provider should be at least 18 years of age and not over 65.

Persons over 65 may be considered if there is no physical or emotional impairment that would interfere with their ability to supervise children.

Persons under 18 years of age should be considered only upon recommendation of the service worker with supervisory approval. In these cases, a responsible adult must be willing to countersign the vendor contract (FC-6C) and assist in supervision of the children.

The prime concern in any exception should be that the worker feels the day care parent is not so young as to lack maturity nor so old as to lack the energy and flexibility necessary to care for the children.

512. Health

I Day Care Provider Requirements.

The day care provider must have written evidence on file certifying that he/she is free of physical and mental illness. This Medical Report must be completed annually.

The record shall also certify that he/she is free from communicable tuberculosis as a result of a negative tuberculin test or a satisfactory chest x-ray. Such tests must be repeated annually.

Each provider with an identified health problem must obtain a written statement from a physician that he or she has sufficiently good health to care for young children.

513. Education

I Day Care Provider Requirements.

The family day care provider should be able to read and write.

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

See 513. Education

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

917

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

XII Program.

The family day care provider will have a written and posted daily routine for the children.

For full day care (7-10 hours) the routine will include the following:

Provision for active and vigorous play such as water play, pounding, molding clay, digging, etc., with suitable space and equipment.

Provision for the children to spend a portion of each day outside unless raining or the weather conditions prevent a satisfactory play experience.

Provision for a minimum of one hour per day of the day care provider's time spent in direct activities with the children.

Provision for quiet activities when the television set is turned off.

If a television is available, provision for watching educational television programs designed for preschool children, such as Sesame Street and Captain Kangaroo.

Provision for a nutritious meal and snacks.

With parents' approval, children should have opportunity to participate in activities away from the home such as trips to the store, to a park, etc.

For part day care (less than 7 hours) the routine will include the following:

Provision for a period of direct interaction between the day care parent and children.

Selection of at least one other element from full day program, if time permits.

612. Program Equipment and Materials

VII Equipment.

Each child should have an individual bed or cot kept in clean and sanitary condition at all times. Beds currently used by family must not be used by the child unless clean linen is provided.

613. Nap Provision

XII Program.

For full day care (7-10 hours) the routine will include the following:

Rest periods should be arranged for preschool age children, even if the child does not actually nap.

VII Equipment.

Rooms used for rest or sleep should, when possible, be away from the noise and bustle of other household activities.

614. Discipline and Guidance

IX Discipline.

Disciplinary methods used by the day care parent must not include physical punishment, withholding of food, or humiliation of a child.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

V Health and Safety.

Toys, table tops, furniture and other similar equipment used by children must be washed when they become sticky and gummy, or contaminated. Cleaning with soap and water followed by adequate drying is sufficient.

Soap, water and individual towels (paper or cloth) must be available to children.

Children must wash hands before snacks and meals and after toileting.

Personal health practices of the day care provider must minimize transmission of infecting agents and protect the health of children. The day care provider must practice the following personal health habits:

Hands shall be washed prior to preparing any food for the children.

Whenever the day care provider has a contagious ailment, he/she must secure a substitute and remove herself/himself to an area of the house away from the normal activity of the children.

VI Nutrition and Food Services.

A domestic dishwasher is acceptable, but if it is not available, the dishes must be washed and rinsed in a sanitary manner.

VII Buildings and Grounds.

Floors, walls, and ceilings must be reasonably clean.

X Sanitation.

The home must have a safe water supply.

Bathroom facilities used by children must be cleaned daily or as often as needed with a disinfectant such as Lysol.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

V Health and Safety.

Any child showing symptoms of illness during the day shall be removed from the group to a quiet area where he shall receive necessary attention until such time as the home and his parents can make plans for his care elsewhere.

717. Medication and Special Diet Provisions

IV Records.

For each child receiving any form of medication, including aspirin, there will be on file in the home:

Written authorization of the parent or of a physician.

Child's name and name of medication.

Authorized dosage and times of administration.

Each container must be clearly labeled with the child's name and dosage.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

V Health and Safety.

First aid supplies, medications, cleaning materials, poisons, bleaches, detergents, insecticides, firearms and other potentially hazardous or dangerous materials must be out of the reach of children.

Consumption of alcoholic beverages or the use of prescribed or non-prescribed medication which alters behavior is prohibited on the premises during the hours children are in care.

See also 512. Telephone

722. Fire Safety Requirements

V Health and Safety.

The family day care provider shall have a plan for evacuation of children in case of fire or other disaster.

The plan must be posted.

A fire drill must be conducted once a month.

IX Fire Safety.

All fireplaces, heaters, stoves, and hot radiators in rooms used by children shall be adequately protected by guards.

Heating and cooking equipment must be adequately separated from walls, ceilings, and floors, or protected by noncombustible insulation.

Combustibles such as clothes racks, curtains, furniture, beds, etc., must be positioned to prevent accidental combustion.

The home shall not use indoors while children are in care, makeshift heating or cooking devices, such as charcoal grills or camping stoves.

Gasoline, benzene, or other flammable fluids must never be used for cleaning clothes, furnishings, or floors.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

IV Records.

Emergency telephone numbers including fire, police, physician, and hospital or clinic must be available in written form.

The day care provider must have a written plan whereby an additional adult could be summoned to be available to assist in an emergency. The plan includes: name and telephone number of one adult who could assist or replace the day care provider.

V Health and Safety.

At least one operable flashlight must be available for use in the event of a power failure.

727. First Aid Supplies

V Health and Safety.

The day care provider must have available the following first-aid supplies, stored together to make up a first-aid kit: soap, antiseptic (such as Bactine), band aids, sterile gauze squares, adhesive tape, and thermometer.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

VI Nutrition and Food Services.

Children who are in care four or more hours shall have one-third of their daily food needs supplied by the day care home. This shall include a nutritious mid-morning snack or breakfast, a noon-day meal and a mid-afternoon snack or supper, depending upon hours of care. (Soft drinks, candy, potato chips, etc., are not considered to be nutritious snacks.) A balanced meal shall include one item from each of the four basic food groups. In a full day program, preschool children must be served two snacks and lunch. School age children receiving part day care must be served a snack.

Children shall be served a minimum of 8 oz. of whole milk per day. (Full Day Only)

XII Program.

For part day care (less than 7 hours) the routine will include the following:

Provision for a nutritious snack, or if applicable, a nutritious meal.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

I Nutrition and Food Services.

In planning diet, the introduction of solid foods, etc., the home shall follow the recommendations of the child's parent(s).

A weekly menu chart must be posted showing daily snack and breakfast/lunch/supper menus.

V Health and Safety.

Perishable foods and milk must be kept refrigerated.

The family kitchen must be in good repair.

Food prepared ahead of time or any left-over foods which will be used later must be properly refrigerated when necessary, and must be covered to prevent contamination.

Children's meals must be served family style.

The day care provider must eat with the children.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

XII Program.

For full day care (7-10 hours) the routine will include the following:

Provision shall be made for each infant to spend at least one hour of each day outside the crib or playpen.

1120. HEALTH AND SAFETY REQUIREMENTS

V Health and Safety.

Water shall be offered to infants and toddlers three or four times a day.

Day care provider must either assist or wash infants and toddlers to prevent accidental scalding.

In the case of infants and children not yet toilet trained, the natural parent will supply sufficient clean diapers, plastic panties, and training pants on a daily basis.

VII Equipment.

An infant under 18 months of age should have a crib or bed with sides.

1130. INFANT NUTRITION

VI Nutrition and Food Services.

For children under one year of age, the family day care provider shall secure from the parents a formula and feeding plan. Formulas shall be clearly identified.

In planning diet, the introduction of solid foods, etc., the home shall follow the recommendations of the child's parent(s).

Infants shall be fed individually and preferably shall be held while fed.

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

VIII Buildings and Grounds.

The outdoor play space must be safe, easily supervised and located next to or near the family day care home. Preferably the exterior space is fenced or has natural barriers to restrict preschool children from unsafe areas. Play areas and play equipment shall be maintained in a reasonably safe condition and supervised by the day care provider.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

VIII Buildings and Grounds.

All rooms used by children must have at least one operable window for proper ventilation.

1430. EXITS

IX Fire Safety.

Fastening devices on exit doors shall be easily opened.

Each room used by the children must have two means of egress.

1440. TOILETS AND LAVATORIES

VIII Buildings and Grounds.

Toilet and lavatory facilities must be provided of a type determined by the availability of water under pressure. Approved facilities (water or non-water carriage) shall be provided for disposal of sewage and other liquid wastes.

There must be at least one indoor toilet and one handwashing facility available for children's use.

Potty chairs must be provided for use by children who require them. Training "potties" must be emptied promptly and sanitized after use.

Where outdoor privies are used, they must be limed frequently to keep down odors.

A step or riser must be provided for the children in the outdoor privy.

Holes must be sized to the age group in the privy.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Wisconsin Department of Health and Social Services, Chapter HSS 55, Day Care Centers for Children, Subchapter II - Additional Requirements for Family Day Care Services, May, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

See DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

HSS 55.21 Responsibilities of the Family Day Care Provider.

The licensee shall:

Develop written plans for fees, admission, termination of enrollment, health policy, feeding, discipline, evacuation, and daily activities of the children.

Display the day care license in a location where parents can see it during the hours of operation.

312. Telephone

HSS 55.23 The Home.

The center shall have at least one telephone with a list of emergency telephone numbers on or near each telephone, such as the local rescue squad, fire department, police department, child protective services and emergency medical service.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

HSS 55.21 Responsibilities of the Family Day Care Provider.

The licensee shall provide documentation of current coverage by the submission of a certificate of insurance reflecting dates of coverage for general liability insurance and vehicle liability insurance if transportation is provided.

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

HSS 55.22 The Day Care Provider and Member of the Household.

The provider shall not be employed in any other occupation during the hours of operation of the center.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

HHS 55.21 Responsibilities of the Family Day Care Provider.

The licensee shall ensure that the day care center does not discriminate on the basis of age, race, color, sex, creed, handicap, political persuasion, national origin or ancestry against:

Any employee or applicant for employment, in regard to hire, tenure or term, condition or privilege of employment.

Any enrolled child and family or any applicant for enrollment in regard to admission, privilege of enrollment or discharge condition.

340. RECORDS REQUIREMENTS341. Children

HSS 55.21 Responsibilities of Family Day Care Provider.

The licensee shall maintain a current written record file at the center on each child enrolled and make it available to the licensing representative. Each record file shall include:

The information prescribed on a department enrollment form.

Written consent from the parent for emergency medical care or treatment.

Authorization for child to participate in and be transported for field trips and other activities if these are part of the program.

Specific informed consent from the parent for each incident or participation by a child in any research or testing project. The family day care center shall obtain and make available to the department and the parents a statement indicating the sponsor, the subject matter, the specific purpose and the proposed use of results with respect to each such project.

Record of the current physical examination and any other matters relating to the child's health.

A record of the daily attendance of each child shall be maintained for the length of time the child is enrolled in the program.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

HSS 55.21 Responsibilities of the Family Day Care Provider.

The licensee, who knows or has reasonable cause to suspect that a child has been abused or neglected shall immediately contact the county welfare agency, sheriff or city police.

345. Confidentiality of Records Requirements

HSS 55.21 Responsibilities of the Family Day Care Provider.

Children's records are confidential. All persons having access to children's records may not discuss or disclose personal information regarding the children and facts learned about children and their relatives. This does not apply to:

The parent or a person authorized in writing by the parent to receive such information.

The agency assisting in planning for the child when informed written parental consent has been given.

Day care centers shall make accessible to the parent, upon request, all records and reports maintained on their own child.

All records required by the department for licensing purposes are to be available to the licensing representative.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

HSS 55.22 The Day Care Provider and Member of the Household.

At no time may more than 8 children under 7 years of age be in the care of the center.

When children who are 7 years of age and older who are not members of the provider's family are served in the same center with children under 7 years of age, they shall be included in determining the maximum capacity.

The maximum number of children that one provider may care for is based on the combinations of ages as specified in Table 55.22.

TABLE 55.22

<u>Children Under 30 Months of Age</u>	<u>Children 30 months of age through 6</u>	<u>Maximum Number of Children in a Group</u>
0	8	8
1	7	8
2	4	6
3	2	5
4	0	4

412. Methods of Computing Staff/Child Ratios

HSS 55.22 The Day Care Provider and Member of the Household.

If the size of the group or age distribution of the children exceeds the number that may be served by one provider, there shall be a second provider.

No more than 3 children under one year of age may be served at any one time.

A child or group of children shall have adult supervision at all times.

In order to ensure that the requirement of par. (e) is met, a second adult shall be available within 5 minutes for emergencies. There shall be a dated and signed statement with name, address, and telephone number on file certifying to the second person's availability and agreement to serve. In the event of the provider's absence, an adult substitute shall be on the licensed premises during any period that enrolled children are present.

Only a person 18 years of age or older may be left in sole charge of the children.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratios as of March, 1981.

422. Methods of Computing Group Size

See 412. Methods of Comparing Staff/Child Ratios.

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

HSS 55.22 The Day Care Provider and Member of the Household.
The provider shall be at least 18 years of age.

512. Health

HSS 55.22 The Day Care Provider and Member of the Household.

Any person who works directly with children shall have a health examination within 6 months prior to beginning work or within 30 days thereafter. The report, dated and signed by a licensed physician, shall be on file in the center and certify that:

The person is free from illness detrimental to young children.

The person is physically able to work with young children.

Household members under the age of 15 who work directly with young children and substitutes shall be required to meet the same health qualifications as the provider.

Household members under the age of 15 years shall be subject to the same health requirements as the children in care as specified in HSS 55.25 (5) (g).

Staff, household members, volunteers, visitors or parents with symptoms of illness, communicable disease or whose behavior gives reasonable concern for the safety of children shall not be in contact with children.

513. Education

HSS 55.22 The Day Care Provider and Member of the Household.

The provider shall have completed satisfactorily, or be enrolled in, 40 hours of early childhood training as approved by the department.

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

See 513. Education

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

See 510. Child Caregiver Staff Qualifications

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

HSS 55.21 Responsibilities of the Family Day Care Provider.

The licensee must ensure that every child care worker who comes in contact with the children at the day care center has received training in:

Child abuse and neglect laws.

The process of identification of children who have been abused or neglected.

The process for reporting known or suspected cases of child abuse or neglect

HSS 55.22 The Day Care Provider and Member of the Household.

The provider shall document 15 hours of training annually in child growth and development or early childhood education as approved by the department. This training may include attendance at training events, workshops, conferences, independent reading, consultation with community resource people or observation in day care centers.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

HSS 55.22 The Day Care Provider and Member of the Household.

The adult on call within 5 minutes and the substitute helper shall receive an orientation to the operation of the home including:

The plan for evacuation and other emergencies.

The location of the daily attendance sheet and emergency information for children.

The plan of the center as specified in HSS 55.21 (4) (d).

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

HSS 55.24 The Child.

Planned activities shall reflect the cultural diversity of the children of the community and provide experiences in which each child can:

Be successful and feel good about self.

Use and develop language.

Use large and small muscles.

Use materials and take part in activities which encourage creativity.

Learn new ideas and skills.

Participate in imaginative play.

The daily schedule shall be planned according to the age and developmental level of the child in care and include a flexible balance of:

Daily indoor and outdoor activities.

Active and quiet play.

Protection from excess fatigue and overstimulation.

Individual and group activities.

Children shall be given individual attention on a one to one basis.

The cultural diversity of the children shall be reflected in the program through the incorporation of their language, food, celebration and lifestyles.

612. Program Equipment and Materials

HSS 55.23 The Home.

Furnishings shall be durable and safely constructed, with no sharp edges, loose or pointed edges. Included in the furnishings shall be:

Table space for each child and seating sufficient to serve the children cared for in the group.

Storage space for equipment, cots (if used), bedding, children's clothing and personal belongings.

A safe, washable cot, bed or sleeping bag available for each child over one year of age who naps or sleeps.

A safe, washable crib provided for each child under one year of age who naps or sleeps.

Low shelves for children's daily equipment.

HSS 55.24 The Child.

Equipment shall be provided for indoors and outdoors and be scaled to the size and development level of the children.

A variety of equipment shall be provided to allow for large and small muscle activity, dramatic play, creative expression and intellectual stimulation.

Indoor equipment shall be provided in a sufficient quantity so that each child has a choice of at least 3 activities involving equipment when all children are involved in using equipment.

Outdoor equipment shall be provided in a sufficient quantity so that each child has at least one activity when all children are using equipment at the same time.

Equipment and materials which reflect an awareness of cultural and ethnic diversity shall be provided.

613. Nap Provision

HSS 55.23 The Home.

There shall be a nap or rest period of approximately one hour or longer for all children under 5 years of age.

Children who do not sleep shall be permitted to get up and have a quiet time through the use of equipment or activities which do not disturb other children.

Each child shall be provided with a bed, cot, sleeping bag or crib which is placed at least 2 feet (63.8 cm) from the next bed, cot, sleeping bag or crib. Sleeping bags, if used, shall be provided by parents. When sleeping bags are used, the child's head may not rest on the floor.

When the beds of family members are used by day care children they shall be completely covered with a separate sheet. Each sheet shall be identified with the child's name.

Each child using a bed, cot or crib shall be provided an individual sheet and blanket.

Beds, cots, cribs, sleeping bags and bedding shall be stored in a clean and sanitary manner and labeled with the child's name.

There shall be a complete change of bed linen after each 5 uses or immediately when wet or soiled and always after a change of occupancy. Sleeping bags shall be washed and cleaned as often as needed or at least weekly.

Infants under one year shall sleep alone in cribs. Only 2 related children may share a double bed. No 2 children may share a single size bed, cot or sleeping bag.

614. Discipline and Guidance

HSS 55.21 Responsibilities of the Family Day Care Provider.

Written policy. Each day care center shall have a written policy on the discipline of children which provides for positive guidance, redirection and the setting of clear-cut limits. It shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

Delegation. Only a qualified child care worker may discipline children. Discipline may not be delegated to older children or peers.

Punishments prohibited. Punishment which is humiliating or frightening to a child such as, but not limited to the following, is prohibited:

Spanking, hitting, pinching, shaking or inflicting any other form of corporal punishment.

Verbal abuse, threats or derogatory remarks about self or family.

Binding or tying to restrict movement or enclosing in confined space such as a closet, locked room, box or similar cubicle.

Withholding or forcing meals, snacks or naps.

Children may not be punished for lapses in toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

HSS 55.24 The Child - Physical Examination.

Each child shall have an initial examination not more than 6 months prior to, nor later than 3 months after admission to a center.

Evidence of current physical examination shall be provided by a report signed and dated by a physician licensed in this state or in the state where the examination is done.

Each child 2 years of age and older shall have a subsequent physical examination at least once every 2 years thereafter by a physician.

Each child under 2 years of age shall be given a physical examination by a physician at least once every 6 months after admission.

Children participating in the early and periodic screening, diagnosis and treatment program (EPSDT) or other screening programs, approved by the department, meet the requirements of this paragraph.

713. Immunizations

HSS 55.24 The Child - Immunization.

Each child shall have an immunization history which states that the child has been immunized against diphtheria, pertussis, tetanus, poliomyelitis, measles, rubella and the month and year each dose was administered. This written statement shall be on file at the center or one of the following compliance alternatives shall be met prior to the child's admission:

Signed permission by the parent to have the child immunized in a prompt and timely manner by a physician specified by the parent or the local public health agency;

Upon written and dated statement by a physician that, in the opinion of that physician, a particular required immunization is or may be detrimental to the health of a particular child, the requirements for that particular immunization shall be waived for that child until it is certified by that physician or another physician chosen by the parent that the particular immunization is no longer detrimental to the health of the child; or

Upon written, signed and dated statement by the parent that a particular child is an adherant of a religious belief which precludes immunization, the immunization requirements shall be waived by the department for that child.

A written statement from the parent regarding the type and date of any required immunization which is administered to a child after the immunization history has been submitted to the center shall be on file within 90 days or according to the required immunization.

714. Sanitation

HSS 55.23 The Home - Sanitation.

The premises shall be free from litter, in a sanitary condition and in good repair.

Doorways and windows which are opened for ventilation shall be screened.

Furnishings, toys, cots, and other equipment shall be cleaned or washed regularly and as often as they become soiled.

Household duties and domestic routines shall be limited to daily maintenance of the home while children are present.

Potty chair receptacles shall be emptied, rinsed and disinfected immediately after each use.

Water.

A safe supply of drinking water shall be readily available to the child at all times by use of disposable or individually labeled cups. Common use of drinking cups is prohibited.

When a public water supply is not available, a private well may be used if it is approved by the department of natural resources. Water samples from an approved well shall be tested by the state laboratory of hygiene or state-approved laboratory at least annually. The water supply shall be bacteriologically safe prior to use. The report shall be available to the department.

HSS 55.24 The Child - Personal Cleanliness.

Children's hands shall be washed with soap and water before eating and after toileting. Children's hands and faces shall be washed after meals.

Persons working with children shall wash their hands with soap and water before handling food and after assisting with toileting.

Individual washcloth, comb and toothbrush shall be kept in a sanitary condition when used at the center.

Wet or soiled clothing shall be changed promptly from an available supply of clean clothing.

Dogs and cats shall be vaccinated against diseases for which immunizations are available and which present a hazard to the health of children.

Pets suspected of being ill or infested with ectoparasites (external lice, fleas and ticks) or endoparasites (internal worms) shall be removed from the center.

In the event that an animal bites a child, a veterinarian shall be contacted by the provider to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children as specified in sub. (5) (f) shall be followed. Parents shall be notified of any action taken by the veterinarian.

Turtles, skunks and poisonous reptiles are prohibited as pets in order to prevent salmonella, rabies and poisoning.

Animal pens shall be kept clean.

Pets shall be kept and handled so as to protect the well-being of both children and pets.

715. Daily Illness Screening

HSS 55.24 The Child - Observation.

Each child upon arrival shall be observed by the provider for symptoms of illness.

Any evidence of unusual bruises, contusions, lacerations, and burns shall be noted on the child's record.

716. Care of Sick Children

HSS 55.21 Responsibilities of the Family Day Care Provider.

The provider shall maintain a daily medical log recording any injuries received by or medication dispensed to children.

The log shall be in a bound book with pages that are lined and numbered. The pages may not be removed.

Entries shall be in ink and dated and signed or initialed by the provider.

HSS 55.24 The Child - Isolation.

A separate room or area shall be provided for the care of children who become ill.

When an apparently ill child is observed in a center, the following procedures shall apply:

Children with a sore throat, inflammation of the eyes, fever, lice, rash, vomiting, diarrhea or other illness or condition shall be isolated.

The child shall be provided with a bed, crib or cot and sheet and blanket in a separate room or area with the day care provider within sight and hearing of the child. The child shall be separated from other children until the child can be removed from the center.

Arrangements shall be made with the parent or emergency contact person to remove the child from the center as soon as possible.

Communicable disease.

When a child is suspected of having a communicable disease or condition such as, but not limited to, chicken-pox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, lice, ringworm of the scalp, scarlet fever, whooping cough, diphtheria or meningitis, the county or city public health nurse shall be notified.

When a diagnosis of a communicable disease is made, the exposed children shall be watched for symptoms of the disease and the parent notified.

A child may be readmitted without a statement from a physician after a communicable disease only if the child has been absent for a period of time designated by the department.

Planned procedures for the treatment of accidents and injuries shall include:

Procedure to be followed in bringing the child to emergency medical care.

Routine procedures for treatment of minor injuries.

First aid measures for serious accidents.

A planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed facility shall be designated and made known to patients.

Written permission from the parents to call the family physician or refer the child for medical care in case of accident or emergency shall be on file at the center. Parents shall be contacted as soon as possible after the emergency has occurred.

A record of the accident or injury shall be kept in the child's permanent file and in the center medical log.

Parents shall be given an explanation of the plan of operation of the center before the child is admitted.

Parents of an enrolled child shall be notified:

Immediately of illness of or serious injury to the child.

Of any minor injury to the child, upon departure from the center.

The provider shall communicate with the parent regarding the child's adjustment to the program and growth and development.

A copy of the applicable parts of HSS 55 shall be made available to parents.

717. Medication and Special Diet Provisions

HSS 55.24 The Child -- Medication.

No prescriptive or non-prescriptive medications such as, but not limited to, aspirin, cough medicine or nose drops may be given to a child except under the following conditions:

A written authorization that is dated and signed by the parent is on file.

Prescription medication is in the original container, and labeled with the child's name, drug, dosage, directions for administering, date and physician's name.

Non-prescriptive medication is labeled with the child's name and the request, signed by the parent, includes dosage and directions for administering.

A written report including type of medication given, dosage, time, date and the name of the person administering the medication shall be kept in the child's record and the center's medical log as specified in HSS 55.21 (6).

All medications shall be kept under lock and key or otherwise inaccessible to children.

Medication requiring refrigeration shall be kept in a designated, separate, covered container clearly labeled "Medication".

718. Waiver of Health Requirements

See 713. Immunizations

720. SAFETY

721. General Safety Requirements

HSS 55.23 The Home - Protective Measures.

Fireplaces, steam radiators, electric fans, electric outlets, electric heating units and hot surfaces such as pipes shall be protected by screens or guards.

Unvented space heaters shall be prohibited in rooms used by or accessible to children.

Firearms, ammunition and other potentially dangerous items which are located on the premises shall be under lock and key.

Materials harmful to children such as, but not limited to, power tools, flammable or combustible materials, insecticides, matches, drugs, and other articles labeled hazardous to children shall be in properly marked containers and stored in areas inaccessible to children.

Each home shall have an evacuation plan for fire, tornados and other emergencies which shall be practiced monthly.

Indoor and outdoor space shall be free from hazards such as, but not limited to, abandoned automobiles and household appliances, uncovered wells and cisterns, stacked lumber with exposed nails, and explosives.

Neither alcohol or non-prescribed controlled substances as defined in s. 161.01, Stats., shall be consumed during hours of operation by the day care provider.

Furnishings shall be durable and safely constructed, with no sharp edges, loose or pointed edges.

The outdoor space shall be well-drained and free of hazards.

722. Fire Safety Requirements

The fire extinguisher shall be operable at all times, inspected once a year by a person qualified to do so and bear a label indicating its present condition and the date of last inspection.

The provider and substitute shall be knowledgeable about the use of the fire extinguisher.

723. Transportation

HSS 55.24 The Child.

When transportation including, but not limited to, field trips is contracted for or provided by the center, it shall comply with the transportation rules as specified in Subchapter III-Additional Requirements For Group Day Care Centers.

724. Safety Requirements for Equipment

HSS 55.24 The Child.

Equipment shall be provided for indoors and outdoors and be:

Of sound construction with no sharp, rough, loose or pointed edges and in good operative condition.

Placed so as to avoid danger of accident and collision and to permit freedom of action.

Permanently installed equipment shall be anchored in a manner which assures stability.

725. Water Activities (Including Swimming)

HSS 55.24 The Child.

Centers which have swimming places such as pools and beaches located on their premises shall comply with:

The requirements of ch. H 71, Wis. Adm. Code.

The American Red Cross standards as specified in Subchapter IV-Additional Requirements for Day Camps.

726. Emergency Procedures

HSS 55.23 The Home - Protective Measures.

A motor vehicle at the home or a public or private rescue or emergency vehicle shall be immediately available at all times in case of an emergency.

727. First Aid Supplies

HSS 55.24 The Child.

Each center shall have a supply of bandages, tape and bandaids. Superficial wounds shall be cleaned with soap and water only and protected.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

HSS 55.24 The Child.

Food shall be provided according to Table 55.24 which is based on the amount of time children are present.

TABLE 55.24

<u>Time present</u>	<u>Number of meals and snacks</u>
2 1/2 to 4 hours	1 snack
4 to 8 hours	1 snack and 1 meal
8 to 10 hours	2 snacks and 1 meal
10 or more hours	2 meals and 2 or 3 meals

Food shall be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

Each meal shall provide 1/3 of the daily nutritional requirements of the child.

Breakfast is to consist of at least one item from each of the following categories:

Fruit or juice

Cereal or whole grain or enriched bread product

Butter or margarine

Grade A vitamin D milk

Noon or evening meals shall consist of at least one item from each of the following categories:

Meat, poultry, fish, egg, cooked dried peas or beans, cheese or peanut butter

Two vegetables or 1 vegetable and 1 fruit or 2 fruits

Cereal or whole wheat or enriched bread products

Butter or margarine

Grade A vitamin D milk

Snacks (either mid-morning or mid-afternoon) shall consist of at least one of the following: milk or milk product, fruit, fruit juice, vegetable, peanut butter or other protein, whole grain or enriched bread or cereal. When only fruit juice is served, it shall be pure fruit juice.

A sufficient quantity of food shall be prepared for each meal so that second portions of vegetable or fruit, bread, butter or margarine and milk are available to children.

Menus shall be available for review by the department and reflect the cultural and ethnic preferences of children of the community.

When food such as bag lunches is provided by the parent, the provider shall ensure that each child has a meal that provides 1/3 of the daily nutritional requirements.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

HSS 55.23 The Home.

Equipment and utensils for preparing, serving and storing food shall be clean and equipped for the safe handling of food.

Dishwashing procedure.

Utensils and dishes shall be scraped, sorted and prewashed under running water.

For manual washing of dishes and utensil, a 3-step procedure shall be used:

Wash in water between 110 and 120° F (43 to 54° C), using an effective soap or detergent.

Rinse by immersing dishes and utensils in clean, hot water to remove soap or detergent.

Sanitize by submerging dishes and utensils for at least 2 minutes in a solution of an approved sanitizer.

For mechanical washing of dishes and utensils in home type dishwasher with a temperature setting of between 130 and 150° F (54 to 66° C), dishes and utensils shall be washed and rinsed in the dishwasher and sanitized by submerging dishes and utensils for at least 2 minutes in solution of an approved sanitizer.

All dishes and utensils shall be air-dried in racks or baskets or on a drain board.

Food sources.

Food shall be from sources approved or considered satisfactory by the department and shall be clean, wholesome, free from spoilage, adulteration and misbranding, and safe for human consumption.

Only milk and milk products which meet the Grade A standard of the department of Agriculture, trade and consumer protection and certified by the department may be served or used.

Food in dented, bulging or leaking cans, or cans without labels shall not be used.

No hermetically sealed, non-acid or low acid food which has been processed in a place other than a commercial food processing establishment may be used.

Food storage. Food shall be stored at temperatures which will protect against spoilage.

Perishable and potentially hazardous food which includes all custard-filled and creamed filled pastries, milk and milk products, meat, fish, shellfish, gravy, poultry stuffing and sauces, dressings, salads containing meat, fish, eggs, milk, or milk products, or any other food or food products liable to rapid food spoilage shall be continuously maintained at safe temperature: 40°F (4°C) or below 150°F (66°C) or above, except during necessary periods of preparation and service.

Each cold storage facility shall be maintained at 40°F (4°C) or lower (refrigerator), or 10°F (-17°C) or lower (freezer).

Each cold storage facility shall be equipped with a clearly-visible accurate thermometer.

Food shall be covered during storage under refrigeration.

Food handling.

Raw fruits and vegetables shall be washed before serving or cooking.

Food returned from individual plates or from dining tables shall be discarded.

Leftover prepared food which has not been served shall be refrigerated promptly and used within 24 to 36 hours, or frozen immediately for later use.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

HSS 55.25 Infant and Toddler Care.

Information obtained on preadmission enrollment forms shall be used to individualize the program of care for each child. This information shall be reviewed and revised with parents at least once every 2 months.

Children under 30 months of age are restricted to first floors or ground floors having direct grade level exits.

Safety gates shall be provided at stairways.

Each child shall be allowed to form and follow the child's own patterns of sleeping and walking periods.

Emphasis in activities shall be given to play as a learning and growth experience.

Throughout the day, each infant and toddler shall receive physical contact and attention such as being held, rocked, talked to, sung to and taken on walks inside and outside the center.

Routines such as bedtime, feeding, cleanliness and toileting shall be used as opportunities for language development and other learning experiences.

When a non-walking child is awake, the child's position and location shall be changed several times during the waking hours.

The non-walking child shall have opportunity during each day for freedom of movement such as creeping and crawling in a safe, clean, open, warm and uncluttered area.

Infants and toddlers shall be encouraged to play with a wide variety of safe toys and objects.

1120. HEALTH AND SAFETY REQUIREMENTS

HSS 55.25 Infant and Toddler Care.

Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when a physician has ordered otherwise.

When being transported in a motor vehicle, children under 30 months of age shall be fastened securely in a child crash tested restraint.

Wet and soiled diapers and clothing shall be changed promptly.

There shall be a supply of dry clean clothing and diapers sufficient in quantity to meet the needs of each infant.

Infants and toddlers shall be changed on a surface which is individual to each child or is cleaned with a germicidal solution after each use.

If cloth diapers are used, soiled diapers shall be placed in a plastic lined covered container.

Soiled diapers shall be removed from containers as needed or at least daily for washing or disposal. Containers shall be washed and disinfected daily.

Soiled infant clothing shall be placed in a container separate from diapers.

The hands of the provider shall be washed before and after each diapering or assistance with toileting routines, using soap and running water.

The application of lotions, powders or salves to the child during diapering may be done only at the specific direction of the parent or physician.

A child shall be washed with a disposable or fabric washcloth used once before rediapering. Washcloths shall be individual to each child.

Washcloths and towels shall be provided for face and handwashing. Washcloths and towels shall be individual to each child and separate from washcloths used for diapering.

Toilet training shall be planned cooperatively between the day care provider and the parent.

1130. INFANT NUTRITION

HSS 55.25 Infant and Toddler Care.

Food and formula brought from home shall be labeled with the child's name and refrigerated if required.

Leftover milk or formula shall be discarded after each feeding. Bottled shall be rinsed after use.

Drinking water shall be offered to the infant and toddler several times daily.

A child unable to hold a bottle shall be held whenever the bottle is given. Bottles may not be propped.

Commercial baby food containers which are opened and food prepared in the center which are stored shall be covered, dated, and refrigerated. If not used within 24 hours, leftover food shall be discarded.

A child too young to sit in a high chair or feeding table shall be held or placed in an infant seat while being fed. Wide base high chairs with safety straps or feeding tables with safety straps shall be provided for those children not developmentally able to sit at tables or chairs.

Infants shall be encouraged to experiment with self-feeding with hands and spoons or both. Eating utensils and cups shall be scaled to the size and developmental level of the infant and toddlers.

A variety of nourishing foods shall be offered including cereal, vegetables, fruit, eggs and meat according to the child's developmental level and the parent's feeding plan, except that no child may be forced to eat.

Each child under 2 years of age shall be fed on the child's own feeding schedule.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

HSS 55.23 The Home.

The space used by children shall be no less than 35 square feet (3.3 square meters) of usable floor space per child. This space excludes passageways, bathrooms, lockers, storage areas, furnace room, that part of the kitchen occupied by stationary equipment and furniture not intended for children's use.

The rules on outdoor space shall apply to any center where children are present for more than 3 hours per day.

There shall be at least 75 square feet (7.0 square meter) of outdoor play space for each child.

The boundaries of outdoor play space shall be defined in such a way as to protect children. A permanent enclosure not less than 4 feet (1.2 meter) high shall be provided where hazards exist such as, but not limited to, traffic or bodies of water.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

HSS 55.23 The Home.

The inside temperature may not be less than 67 F (20 C).

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

HSS 55.23 The Home.

There shall be at least one toilet and one sink available for use of children.

Steps or blocks shall be provided if lavatory (washbasin) or water closet (toilet) are not proportioned to the size of children.

Soap, toilet paper, disposable paper or individually labeled towels and a waste paper container shall be provided and accessible to children.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

HSS 55.23 The Home - Buildings.

There shall be a report of inspection, which indicates approval of the building by the department of industry, labor and human relations or by a certified investigator of that department. The home shall comply with all state and local building codes.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Wyoming Department of Health and Social Services, Standards and Guidelines for Child Care Certification, Chapter I, Family Day Care Home and Group Day Care Home, 1980.

100. STATE CERTIFICATION OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO CERTIFICATION AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

See DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR CERTIFICATION OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. CERTIFICATION PROCESS AND ENFORCEMENT PROCEDURES

210. CERTIFICATION PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. CERTIFICATION PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. Certificate Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Certificates

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a Certificate

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

§ 3 Standards As Interpreted From the Statutes.

All privately operated child caring facilities, except those excluded under the provisions of W.S. 14-4-102 prior to the exercise of care, custody or control of three or more minors shall be required to be certified by the certifying authority.

The Division of Public Assistance and Social Services requests a report within 48 hours after the occurrence of an unusual accident, such as death or serious injury of a child while at the facility (a serious injury being defined as one requiring hospitalization of the child), or after the occurrence of a fire which requires the services of a fire department.

312. Telephone

§ 3 Standards As Interpreted From the Statutes.

There shall be a single line telephone immediately accessible at all times.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

§ 3 Standards As Interpreted From the Statutes.

An applicant or staff member, family member or boarder living in the home who has been convicted of a felony or has been involved with a child abuse or neglect court action or official investigation shall be required to provide information relative to the conviction and evidence of suitability for his or her position in the child care facility.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

§ 3 Standards As Interpreted From the Statutes.

To verify the immunization status of a child enrolled in a day care facility, the parent or guardian must present a completed and signed "Official Record of Immunization" to the operator of the day care facility. The operator is responsible for transcribing the data from the Official Record of Immunization

onto an official immunization record card which should be maintained on each child.

An immunization status report and conditional enrollment report should be submitted by October 15 and January 15 of each year to the Wyoming Division of Health and Medical Services (IMMUNIZATION PROGRAM). The forms for these reports shall be provided by the Immunization Program.

342. Staff

§ 3 Standards As Interpreted From the Statutes.

An applicant for certification must assure the certifying authority of the good moral character of the applicant, his employees and all those persons who will come in direct contact with the children cared for. This will be accomplished in the following manner:

Each applicant shall have three references on file with the county office of public assistance and social services, attesting to the applicant's character and child caring ability. The references should include persons who have personal knowledge of the applicant's ability to care for children.

It is the responsibility of the applicant to attest to the good moral character of all employees and other persons who come in contact with the children. This will be done by the applicant collecting references on all employees and volunteers. These shall remain on file for review.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

§ 3 Standards As Interpreted From the Statutes.

The staff ratio shall be determined as follows:

Family day care home: The staff ratio shall be not less than one responsible adult to six children. There may be no more than three children under the age of two without adding an additional responsible person. The operator's own preschool children shall be included in the count.

Group day care home: The staff ratio shall be not less than one responsible person to eleven children. If the facility takes children under the age of two, then there must be one staff person for each three children under the age of two. The operator's own preschool children shall be included in the count.

For both types of facilities a staff ratio of one adult to two children must be used if severely multiple handicapped children are present.

412. Methods of Computing Staff/Child RatiosSee 411. Staff/Child Ratio as of March 1981420. GROUP SIZE421. Group Size as of March, 1981See 411. Staff/Child Ratio as of March 1981

422. Methods of Computing Group SizeSee 411. Staff/Child Ratio as of March 1981500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Not specified

512. Health

§ 3 Standards As Interpreted From the Statutes.

The family and group day care home must comply with the following to be considered safe:

There shall be evidence of preemployment and annual review of the health status of each adult who has regular responsibilities with the children by a responsible health source to include a T.B. test or chest X-ray. Staff members should be discouraged from coming to work when they are ill with contagious diseases or with other illnesses which would affect their performances.

513. Education

§ 3 Standards As Interpreted From the Statutes.

An applicant must demonstrate practical experience or education or training in the care and treatment of children.

514. ExperienceSee 513. Education520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

Not specified

FAMILY DAY CARE HOMES

WYOMING

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Not specified

612. Program Equipment and Materials

Not specified

613. Nap Provision

§ 3 Standards As Interpreted From the Statutes.

The children may sleep on the beds of family members if they do not sleep directly on the same bed linens. Each child is to have his own bed linens. If

the children are sleeping on cots or mats, they should be covered with linens and be sanitized regularly.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

§ 3 Standards As Interpreted From the Statutes.

Each child enrolled in a child caring facility must be adequately immunized in accordance with the following table:

<u>Age 19 mo. - 4 years</u>	<u>Age 5 and over</u>
at least 3 doses DTP	at least 4 doses DTP or TB
at least 3 doses Polio	at least 4 doses Polio
1 dose Measles	1 dose Measles
1 dose Rubella	1 dose Rubella
1 dose Mumps	1 dose Mumps

The immunization requirements must be completed within 120 days of enrollment or the child shall be excluded from the day care facility by the facility operator.

714. Sanitation

§ 3 Standards As Interpreted From the Statutes.

Family and group day care homes must be uncrowded, clean and well repaired and safe.

Those facilities having their own water and sewage system shall contact their local health department or the State Division of Health and Medical Services if no local department exists for consultation regarding water and sewage standards and water testing.

The premises, both indoor and outdoor, shall be free of environmental hazards and clean and comfortable as follows:

Free of rodents and vermin.

Garbage and trash stored in covered containers away from the reach of children and disposed of frequently to avoid a hazard.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

§ 3 Standards As Interpreted From the Statutes.

Family and group day care homes must be uncrowded, clean and well repaired and safe.

A clean and well repaired day care facility:

Conditions existing in or around a facility which would be hazardous to the physical well-being of children shall be eliminated.

Porches, steps, stairs and walkways shall be maintained in good repair. Stairs and elevated porches shall have sturdy railings and/or guardrails.

Stairs, walkways, ramps and porches shall be maintained free from accumulation of water, ice or snow and shall have non-slip surfacing.

Play areas and play equipment shall be maintained in a reasonably safe condition and supervised.

Materials potentially harmful to children, including fuel, cleaning fluids, supplies, polishes, matches, medical supplies, bleaches, detergents, insecticides and similar materials shall be stored in designated metal cabinets or storage facilities accessible only to authorized persons and equipped with child-proof closures and be kept locked.

Lead paint shall not be used in any area accessible to children because the ingestion of lead can cause serious problems. Whenever a facility is repainted, the operator shall insure the use of lead-free paint.

Cleaning of the premises and equipment shall be performed on a regular basis as needed to protect the health of the children and staff in a manner which is approved by the sanitarian.

722. Fire Safety Requirements

§ 3 Standards As Interpreted From the Statutes.

Fire safety training and fire drills shall be made a part of the program and/or routine which would include personal safety, and approved fire safety evacuation plan and the execution of this plan with at least nine such exercises a year.

A facility shall have at least one Underwriter's Laboratory approved fire extinguisher easily accessible. Consultation regarding size and type may be obtained from the local fire department or a representative of the State Fire Marshal. The operator shall submit a statement yearly to the county office of public assistance and social services from an authorized representative of the local fire department or a fire extinguisher service that the fire extinguisher is in working order.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§ 3 Standards As Interpreted From the Statutes.

An applicant must provide meals for the children that are wholesome and prepared in a clean and healthful environment. Compliance can be assured by the following:

Meals:

Food served shall be planned for the needs of the children and shall be appropriate for their ages as follows:

Each regular meal planned to be balanced and to provide one-third to one-half of the child's daily food needs. If a child is in attendance for five or more hours, a meal will be provided.

Nutritious snacks provided at suitable intervals.

Grade A milk served at all meals unless a child has a specific health reason prohibiting milk.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

§ 3 Standards As Interpreted From the Statutes.

Food preparation techniques and clean-up facilities shall be appropriate to the size of the group. If kitchen facilities are not available, food brought in shall be transported in covered containers and not allowed to stand longer than one-half hour before being used.

Adequate refrigeration shall be available. Refrigerators should be maintained at 45 degrees or less.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

§ 3 Standards As Interpreted From the Statutes.

There must be a minimum of 35 square feet of indoor play space for each child.

There must be a minimum of 75 square feet of outdoor play space for each child.

Sleeping space must be sufficiently large enough to place cots or mats at least two feet apart on all sides.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

§ 3 Standards As Interpreted From the Statutes.

Toilet and lavatory facilities shall be available to the facility as follows:

There should be potty chairs or training seats for children who are being toilet trained which are sanitized regularly.

Safe stepstools provided to allow the use of standard sized toilets and lavatories.

The ratio of minimum number of toilet facilities shall be in accordance with the Uniform Plumbing Code.

Those facilities caring for infants and toddlers shall give special attention to care and disposal of diapers. Soiled diapers shall be kept in a closed container.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

§ 3 Standards As Interpreted From the Statutes.

Fire inspections:

Applicants for certification as family day care homes have the option of certifying upon registration that their home is safe from fire or present a statement from the person in the local area who has fire protection responsibility. This will normally be the local fire department.

Applicants for certification as group day care homes must have a formal inspection by the State Fire Marshal or fire inspector and must comply with the recommendations.

1530. BUILDING

Not specified

1540. HEALTH

§ 3 Standards As Interpreted From the Statutes.

Health inspections:

Applicants for certification as family day care homes have the option of certifying upon registration that their home is sanitary or present a statement from the local health officer or his officially designated representative. If a local health officer is not available then an inspector may be requested from the state.

Applicants for certification as group day care homes must have a formal inspection by an authorized sanitarian and must make every effort to comply with the recommendations.

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified